THE MARCH OF DEMOCRACY

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THE MARCH OF DEMOCRACY

BY

CHESTER F. MILLER

SUPERINTENDENT OF SCHOOLS

GALESBURG, ILLINOIS

Recommended as an English Classic by

FRANK W. SCOTT, PH.D.

UNIVERSITY OF ILLINOIS

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EFFECTIVE METHODS OF STUDY

THE FIRST STEP IN CITIZENSHIP

This book has been written to interest you in better citizenship. It is a well known fact that better citizenship is an outgrowth of a clear understanding of present day problems based on a knowledge of the origin of these problems. You will find many opportunities to conserve, to improve, and to pass judgment on the valuable material and the remarkable inheritance which has come down to you from the past. Throughout the *March of Democracy* are many questions, topics, individual problems, suggestions, and group projects planned to develop a feeling of responsibility when studying the struggle for liberty. You will find helpful the inspiring examples of men and women who gave much that you might enjoy the privileges of today.

A study of the fundamental principles of your country should train you to use books effectively, to carry on investigations, to compare conflicting statements, to have respect for the opinion of others, and to have a thorough understanding of the value of coöperative effort.

Rights and privileges of citizenship in a democracy carry with them real duties and responsibilities.

At the very beginning of this study is the most opportune time to begin to accept such duties and responsibilities. Citizenship is a question of forming proper habits. Correct habits of study are essential to success in school, which is an obligation you accept when you receive your education at the expense of the government. Every effort you make to become more efficient in your studies offers experiences that constitute valuable lessons in citizenship.

There is nothing more essential to the best citizen than ability to investigate intelligently and reach an independent conclusion on public questions. Just as the good citizen goes about his duties in an orderly and efficient way, so the one who knows, goes about the preparation of his lessons with decided advantage over one who begins his studying in a random and haphazard way. How to use your hands efficiently is very important but how to use your mind effectively is more important. Preliminary to the study of the growth of government suggestions are offered here to assist you in forming habits of study, that if followed will make you a better student and indirectly a better citizen.

1. In planning your daily study periods have a regular time and place for this subject.

2. Before you begin to study remove all disturbing influences that may interfere with your work; then begin with a strong determination to succeed.

3. Just as athletes find it necessary to "warm up" before a game so the best mental workers find it necessary to go through a "warming up" process

to get into the swing of study. The length of this process depends upon the energetic start. The more time you take for the "warming up" process the longer it will take to master a lesson.

4. Begin studying with a rush. Get a flying start. At the next athletic contest watch the players to see if there is anything done there that can be applied to preparing lessons.

5. Know exactly what is to be studied. Be sure you understand the assignment of the lesson and study as soon after it is made as possible. Know the information you are to find and what use you are to make of it.

6. Think over the main points of the previous lesson, then keeping in mind the general idea, ask yourself what you expect to get from this lesson.

7. Read headings and heavy black type to see if they forecast the content of the lesson. Watch for other indications of main ideas often called "sign posts."

8. Read over the entire assignment rapidly in order to get a general idea of the lesson. This gives you a preliminary bird's-eye view and an opportunity to select the high spots in thought before a deliberate second reading.

9. Read the lesson again, this time deliberately and thoughtfully in order to get the details that support the big ideas secured from the first reading. Do not pass up any unfamiliar words or references. Make a list of the things you do not understand and look them up.

10. Organized work is always the most effective. Outline and underline the parts that are important and carry out the assignment. Such work is economical because it assists in the learning process.

11. Test yourself by trying to recite the contents of each paragraph without looking on the book. In other words, tell the story of the lesson to yourself. If you fail, study the lesson until you succeed.

12. Run over the whole lesson immediately after study because the laws of learning teach us that recall immediately after study is economical.

13. Spend as much time in thinking about your lesson as in reading about it.

14. Always keep in the foreground the fact that every sentence in this book contains information related in some way to your citizenship. Add some thinking to all that is developed. It is always wise to use the ideas developed in some problem of your own.

15. Ask yourself questions and try to determine the questions which the author tried to answer.

16. Study the same lesson at different times.

17. Before you go to class think over the lesson again.

18. A review of the right kind should give you a "new view." The laws of learning teach that frequent and systematic reviews make learning permanent.

Remember—you are not studying just because a lesson is assigned. Make the best of your opportunities.

The pupil who forms the best habits is sure of a prominent position in later life. An educated citizen is of more value to his country than an uneducated citizen.

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INDEPENDENCE HALL, PHILADELPHIA, PA.

THE MARCH OF DEMOCRACY

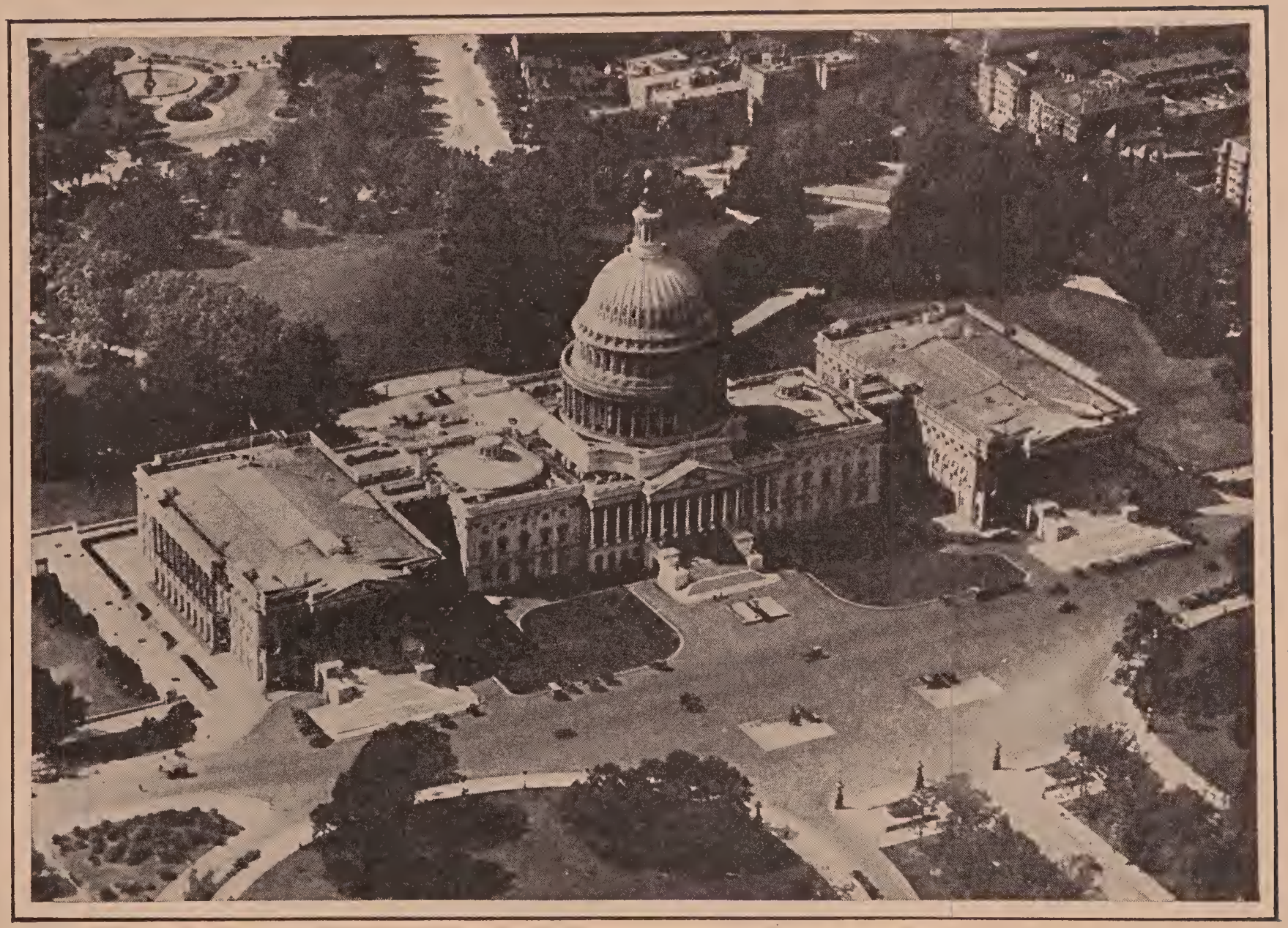
CHAPTER ONE

RESPONSIBILITIES OF CITIZENSHIP

Our Obligation to Society.

Good citizenship is something more than loving one's country and being proud of it. It is something more than observing our patriotic holidays and merely cheering the flag when it passes on parade. Good citizenship is not what we say about our country but what we do for our country. The more we study our history and realize the sacrifices which made the nation what it is to-day, the more we should feel obligated to strive in every way to fit ourselves to make return for the privileges we enjoy.

The Constitution grants certain rights which give each citizen a heritage unequaled by that of any other nation. "Every right and benefit we receive from the community or nation must be offset by a corresponding duty and paid for by the performance of that duty." Government does not begin at Washington or with the politician or the governor or the mayor, but it begins at home with you and me.



CAPITOL OF THE UNITED STATES, WASHINGTON, D.C.

The story has often been told of the man who visited Washington, D.C., on a summer evening and saw the reflection of the setting sun on the towering marble of our country's Capitol. He thought of the tremendous significance of the armies and the treasury, and the judges and the President, and the Congress and the courts and all that was gathered there. Moved by the sight of the home of our Republic, he said, "Here is my Government in all its majesty." Then in a vision he beheld a vista of open country, fields of ripening grain, forests, mountains, homes, villages, and cities. It was evening in all of these places; the people were returning to their homes after the day's work. The great dome of the Capitol stood out above all in magnificent splendor. But this time the sunbeams were golden threads leading from the dome of the Capitol to each man, woman, and child in each home. His vision was a full realization of citizenship in a democracy, and he said: "Surely here in the homes of the people lodge at last the strength, and the responsibility of this government, the hope and the promise of the Republic. Here is its majesty and strength. Here is the beginning of its power and the end of its responsibility."

If in adult life our golden thread is broken by abuse of privilege, by inactivity, by scheming politicians, by lack of law enforcement, we alone are to blame for not exercising or striving to reclaim our rights of citizenship. Such rights and duties begin in childhood and reach their full realization

in worthy citizenship as we grow in knowledge and responsibility.

We live in a nation that grants equal rights and offers equal opportunities to its citizens. The obligation of insuring progress and prosperity, the perpetuation of the principles set forth in our constitution, the substitution of the gospel of right for that of indifference and cowardice requires the serious attention of every American citizen.

The safety of our country is not merely in laws or legislation, but in the men and women who are willing to put service before self-interest.

"Sad will be the day," wrote Phillips Brooks, "for any youth when he becomes absolutely contented with the life he is living; with the thoughts he is thinking, and the deeds he is doing; when there is not forever beating at the door of his soul some great desire to do something larger which he knows he was meant and made to do."

Conservation of Health.

On our health depends our usefulness and our ability to count for something to the nation. As we are preparing our minds for the test of citizenship we should also be building up a physical reserve to stand the test of strenuous competition. Disregard for the laws of health leads to disappointment and the blasting of high hopes for public usefulness. Our good health means saving trouble to our family, our friends, and our employer. If we are careless in this respect they are cheated, and in cheating them we cheat the nation.

Health is real wealth; consequently a nation endeavors to conserve the health of its citizens as the most vital of its resources. The greatest asset of a nation is its strong men and women—those effective during a long working life. It is estimated that preventable illness in a single year costs the nation $1,800,000,000, and that 42 per cent of the deaths could be reasonably postponed. The World War brought to our attention the alarming fact that we are deficient in education and common health, not only in the big cities but also to a greater degree in the country districts.

Citizenship requires more than merely keeping well; it requires a type of physical efficiency that enables one to be calm, poised, direct, and accurate. In aristocracies of the past a few have said, "We are best; therefore we shall rule." The best usually meant those superior in physical strength, because the ruling class depended largely on physical force to maintain itself. Democracies arose and selected their leaders on the basis of mental and physical efficiency to carry out the will of the people.

In a democracy a premium is likely to be placed on the mental development of all of its people, while the physical development, being regarded as secondary, may be neglected and consequently decline. To-day many young men and women must face the problem that superior educational development without the physical reserve to sustain it is an economic loss to the nation.

Worthy Home Membership.

Good citizenship begins at home. A home is a coöperative institution. The assigning of tasks and their successful completion is the beginning of the formation of habits that are reflected in larger citizenship. The American family group gathered after the evening meal, each engaged in his task for improvement or for pleasure, at times discussing their common problems, is the most fundamental of democratic institutions. In the ancient days part of the education for citizenship that corresponds to our high school training consisted in listening to and participating in the discussions of the elders.

Young people sometimes think their parents taskmasters because they require strict obedience in the correction of personal habits. Obedience underlies all other lessons and is the principal duty of the young. The adult is required to obey more strictly than his children, for there are duties, obligations, and responsibilities in living which cannot be disobeyed without loss of position, property, and even life. The young person who is a law-abiding citizen in the home can be expected to become a law-abiding citizen of the country.

Worthy home membership requires respect for the rights of others. This is a fundamental principle of our very existence as a nation. Laws and requirements of society are made to protect those who are most respectful of the rights of others and are usually regarded as most unjust by those who are inclined to disobey them. The neglect of home duties may seem trivial, but in neglecting

such duties we form habits which may later tend toward an unworthy citizenship.

As worthy home membership requires coöperation, self-sacrifice, and the occasional giving up of some individual rights, so a successful democracy expects of its citizens the sacrifice of some individual rights for the good of the nation.

Vocational Outlook.

An American citizen should be eager to do something worth while in a nation offering a thrill of amazing growth, teeming with possibilities and rich in resources. Such a heritage should create a desire in the heart of every youth to catch the spirit of this inspiration and participate in the nation's greatness. We see around us wonderful opportunities wherein men of superior natural ability have achieved success. We are not hampered by class distinctions or prejudices. We are free to accept the challenge to compete for the most responsible positions in America. If we search the biographies of our great men, we will usually find two things in common. First, they came from good homes but homes of moderate circumstances; second, they were uncertain regarding their future vocations. Positions, ownership, and even control await the young men and women who are fit and willing to make the fight for success.

Selecting a vocation is a very serious and vital matter. It takes continuous thought, study, and contact with successful men and women in selected lines of work. It requires a thorough analysis of

our special fitness and a search of the requirements of the vocations.

Too often people find themselves unfitted and fail in their life's work after years of preparation because a selection was made without thorough investigation. Macaulay has said, "The world generally gives its admiration not to the man who does what nobody else ever attempted to do but to the man who does best what the multitudes do well." Many of our most prominent men and women have attained success by methods so simple that we often wonder why they were not apparent to others long ago. We are surrounded by opportunities for success. Russell H. Conwell, in his "Acres of Diamonds," tells the story of Ali Hafed, a wealthy Persian farmer, "contented because he was wealthy and wealthy because he was contented." One day he was visited by an ancient Buddhist priest who first told him of diamonds and what they would buy. Ali Hafed, although having lost none of his property, "went to bed that night a 'poor man' because he was discontented and discontented because he feared he was poor." His growing discontentment caused him to sell his farm and wander throughout Asia and Europe in search of diamonds. Finally penniless, afflicted, suffering, and dying, he could not resist the temptation to throw himself into the Bay of Barcelona in Spain. The man who had bought Ali Hafed's farm was one day watering his camel in the garden and discovered a magnificent stone which he placed on the

mantel in the drawing room. There the stone was seen by the same priest who had caused Ali Hafed's discontentment. Hurrying to the stream they discovered more diamonds in the sand. Eventually the garden developed into "the most magnificent diamond mine in the history of mankind." Since that time every acre of that farm has yielded diamonds. This story teaches us that many times we fail to recognize a big opportunity in the commonplace things of our own immediate surroundings. It is not necessary to go into a far country or to seek a large city in which to succeed. Many successful men have made a city out of a village.

"Youth is the workshop where the men and women of the next generation are built." People who accomplish the most are those who work with definite purpose. Youth, then, is the time to select an aim in life and leave no stone unturned in the pathway that leads to success.

Time wasted during the years of preparation does not enable us to realize the extent of our possibilities. The highest position in America is open to the person who has the vision to achieve it. This is an inspiration to the noblest ambition and should be the goal of every American.

Respect for Our Laws.

Laws are the results of the experience of the generations which have gone before. Ours is a "Government of Laws and not of Men." The Bible tells us that, when "every man did that which was right in his own eyes," there was anarchy in the land. This fact handed down from generation to

generation warns us that the very existence of our nation depends on our attitude toward, and respect for, law and order.

Our nation is founded on the principle that its citizens submerge their personal desires to those of the majority when it is for the welfare of all. It is not for us to judge and criticize our government thoughtlessly. Good citizenship springs from an understanding of the necessity for laws planned and imposed by representatives of the majority.

The public will is expressed in law. The duty of a citizen to obey the law involves the duty of placing the good of the whole above that of the individual. We must realize that the individual is a member of the whole group and that his welfare is better protected when considered in reference to the welfare of the whole. Because some one else violates a law and is not caught or is shrewd enough to violate the spirit of the law and still avoid the penalty, that is no excuse for us to ease our conscience when contemplating an act unworthy of a citizen.

The machinery of government and its departments of law enforcement remove from the individual much of the responsibility for protecting himself. They also give him freedom to live his own life, as long as he does not interfere with the rights of others. In return for these privileges the good citizen willingly accepts his responsibilities. When citizens fail in their duties to their country the nation fails.

Coöperation in Law Enforcement.

There are insidious forces continually opposing authority and threatening our rights, privileges, and liberty by establishing precedents not in conformity with the spirit of our Constitution. This challenge to authority must be met with fearlessness by men and women who as boys and girls respected the authority of the home, the school, and the church. An increased number of laws do not necessarily develop a law-abiding spirit. In fact, fewer laws rigidly enforced are productive of better results. The spirit of escaping punishment through the services of skillful lawyers, leniency of judges, or political influence is not the spirit of the true American citizen, but it is the spirit that will surely break down constitutional government.

A great obligation rests on us because the success or failure of representative government, regarded as the hope of other nations of the world, depends largely upon the manner in which we preserve our Constitution.

A few statistics should incite every young man and woman to do his or her part as a citizen to curb the breakdown in respect for the laws that insure protection of life, liberty, and property. In 1912 our Federal Court with its limited jurisdiction considered 9503 criminal indictments; last year this number increased to over 80,000.

Casualty companies report that losses paid for burglary alone had grown from $886,000 to over $10,000,000 in the last six years.

In one large city alone five thousand automobiles

were stolen in a single year. Burglaries have increased 1200 per cent in number in the last decade. Why? Because the serious obstacle in law enforcement arises from the attitude of law-abiding citizens. When called to aid in the enforcement of the law many citizens are not conscientious regarding the means they use to escape their duty.

Sympathy for the accused, newspaper publicity, and disregard for the rights of citizens who are law-abiding engender further lawlessness. The Constitution provides, "In all criminal prosecutions the accused shall enjoy the right of speedy trial." Few criminals to-day "enjoy" this privilege as the makers of the Constitution intended. Yet it is a well-known fact that delay is not for public benefit and is an additional expense to law-abiding citizens.

We spend approximately six times as much for crime as we do on the education of all the children in all of the public schools in the United States. Rigidly enforcing the law and reversing the ratio of expenditure so that six times as much is spent for constructive citizenship as is spent for crime should undoubtedly contribute to the general welfare. Not a single clause of the Constitution directly defines the duties of citizens. The document is a summary of the rights of citizenship. For our own welfare we have learned that the rights of one's property impose the duty of protecting the property of others; that the right to pursue happiness deserves the duty of insuring the happiness of others; that the right of freedom enjoins us to pre-

serve that freedom and the freedom of others by using our influence to punish those who are not law-abiding. "Remove not the ancient landmark which thy fathers have set" is a challenge to the next generation not only to oppose revolts against authority and carelessness in law making but also to use every influence to coöperate in rigid enforcement of the laws which protect us.

Political Consciousness.

In some of his letters Theodore Roosevelt tells of his first experiences in ward politics. "None but the roughs and professional politicians go there; our people do not mix in these affairs," said his friends when he announced that he was going to a political meeting. "Then," said Roosevelt, "you do not belong to the governing class in this country. So far as I am concerned I intend to belong to the governing class." The life story of this remarkable American is a challenge to every American citizen who is determined to exercise the privileges of his birthright. This spirit of "letting the politicians do it" surely is a dangerous one, because it is a step toward a dictatorship either of an aristocracy or of the proletariat.

Almost half of our citizens eligible to vote fail to go to the polls on election day. About 50 per cent of the electorate voted before women were enfranchised and about 50 per cent of the electorate has voted since women were given the privilege. In 1896, 80 per cent of the qualified citizens voted in the presidential election; in 1900, 73 per cent; in 1912, 62 per cent; in 1920, 49 per cent; in 1924,

THEODORE ROOSEVELT

52.8 per cent. The potential voting strength of the United States is now about fifty-seven millions, and the vote of approximately thirty millions cast in 1924 allows a bare majority to rule. In one state only eight per cent of the voters went to the polls in the presidential election of 1924.

When voters say, "My one vote will not affect the result," tell them that twelve times out of thirty-four a president has been elected by a minority of the popular vote. Tell them that every time a qualified citizen refuses to vote, he loses his identity as an American citizen, and his vote may be one of the few to decide between a desirable and an undesirable administration.

There is not enough money in existence to buy the vote of a true American citizen. The privilege of the ballot is a priceless heritage not to be bartered away for favor, for friendship, or for gain. The intelligent ballot of the intelligent, patriotic voter is the very life blood of a nation such as ours. It is our duty to engage in this "game" of politics and see that no one wins by default.

Habit of Public Service.

The real patriot, the responsible citizen, must be willing to dedicate a part of his time to the welfare of the nation which makes his success possible. In one of our large cities 380 business men were called for jury service and 379 perjured themselves out of the jury box. If justice is to come through the courts, our best citizens must obey the call to service.

A good citizen's obligation does not stop with

simply obeying the laws and paying his just taxes. There is a call for community service, coöperation in Boy Scout work, Red Cross, Civic Clubs, Associations of Commerce, Civic Welfare associations, the city beautiful movements, and in fact all enterprises that make our city a better place in which to live.

When a worthy cause is promoted money is the easiest thing to give, but the best citizen gives also of his time and thought. Every exceptional city, every big institution, college, library, or church has as a part of its history the story of a man or woman or of a group that had a vision of greater service to their fellow man. Perhaps at one time the realization of this vision seemed impossible, but the same determination that produced the Constitution and the fundamental institutions of America dominated the effort to realize it. To-day we can rarely visit an American city, however small, without seeing evidences of such leadership.

This, then, is the spirit that we have inherited and it remains to be seen how well we accept the challenge. There would be little occasion to be concerned about the future of our nation if every boy and girl in America to-day were a living example of these words of Daniel Webster:

> "I shall know but one country! The ends I aim at shall be my country's, my God's, and truth's."
>
> "I was born an American; I lived an American; I shall die an American, and I intend to

perform the duties incumbent upon me in that character to the end of my career."

To-day, more than at any other time in our history, we need a nation of such Daniel Websters who will perform the duties of American citizenship with determination and without prejudice.

American Ideals and Respect for the Flag.

Justice and idealism have always followed the American flag as an inspiration to the patriot and as an emblem of hope to the oppressed.

The story of our flag is a story of the nation itself, its noble aspirations, and the achievements of its people.

Henry Ward Beecher said, "A thoughtful mind when it sees the flag sees not the flag but the nation itself."

Around the flag cluster thoughts of loyalty and of personal sacrifice which have enabled us to move forward from the day when each struggled for himself alone.

The flag is fundamental, yet it represents an expanding, growing nation. Its stripes represent the thirteen original states. Its stars indicate the existing states and point toward the future.

The flag represents varied ideals in the hearts and minds of its citizens in accordance with their experiences and deepest emotions.

To the foreigner who comes to our shores it means hospitality, freedom, equal opportunity to compete with his fellow man, free education for his children, the right to own property and improve his station in life.

BETSY ROSS MAKING THE FIRST FLAG

To the vast majority it means that "our government shall stand between labor and capital, between the weak and the strong, between the individual and the corporation, between want and wealth, and give and guarantee simple justice to each and all."

To the ex-service man it has a strange and precious meaning of supreme sacrifice, of battles he hopes to forget, of deeds of heroism to save a nation or to establish further ideals.

To foreign countries and down-trodden people it has brought our spirit of democracy, our principles of personal freedom, and relief to the oppressed.

To the citizen traveling or residing in foreign lands it means that the far-seeing eye of the government back of our flag will look into the remotest parts of the world and demand his safety. He knows that if necessary our flag will come, backed by the resources at its command, to show to all mankind that disrespect to a citizen is disrespect to his flag and to the nation for which it stands.

To-day it goes on a world mission creating good will; to-morrow it may go on a stern mission demanding justice.

Yesterday a President recognized the value of the Boy Scout movement and gave it national sanction; to-day Congress recognized equal rights for women and settled for all time the question of woman's equality in government.

It is a wonderful flag that does glorious things for the benefit of humanity.

The government represented by our flag is ever

on the alert to guard the rights of its citizens native and naturalized, offering increased opportunities to every one regardless of birth, race, or social conditions.

Questions

To the Pupil:

1. Define good citizenship.
2. Discuss the responsibilities of citizens in a democracy.
3. Show how keeping physically fit is largely a matter of habit.
4. Why should a government be concerned with the health and education of its citizens?
5. Discuss the home as a maker of good citizens.
6. Why is it becoming increasingly more important for a young person to make a study of the vocations before making a decision? Why should the government be interested?
7. Show how new laws are made and indicate the part the good citizen has in their making.
8. When laws are made, what are the obligations of the citizens?
9. Show how the person who thinks of himself and his own interests first is not a good citizen.
10. Memorize the words of Daniel Webster quoted in this chapter.
11. Discuss each of the following topics and show how each contributes its part in forming the habits necessary to a good citizen: (*a*) Saluting the flag; (*b*) Rising when the National Anthem is played or sung; (*c*) Ability to intelligently discuss current events; (*d*) Obeying the rules and regulations of the school; (*e*) Coöperating in carrying out and supporting the wishes of the majority in your own club; (*f*) Evaluating newspaper material and reading editorials; (*g*) Accepting the decision of a referee courteously; (*h*) Discouraging acts of organized re-

bellion against authority; (*i*) Knowing the rules of a game and playing it so that disputes are avoided; (*j*) Reporting serious offenses to proper authorities.

Things to Do:

1. Collect and bring to class for discussion editorials, news items, special articles, posters, and cartoons which embody appeals to seriously consider the responsibilities of citizenship.
2. Make a list of the various agencies engaged in the social work carried on in your community. Interview the person in charge of such an organization and report to the class.
3. Choose a vocation and show the training required, the possibilities for success, in fact all the steps necessary to reach the position of highest responsibility in it.
4. Make a list of the things your city, state, and federal governments are doing for you.
5. Using newspapers in class, discuss the relative merits of the contents with reference to the essentials of good citizenship set forth in the chapter.
6. Further exercises in citizenship for stimulating class discussion and training in making decisions vital in the life of every citizen can be had by using "Tests in Citizenship" by Chassell and Chassell (Bureau of Publications, Columbia University). The problems are presented in story form with judgment questions aiming at the thoughtful consideration of the problems of Honesty, Thrift, Self-control, Civic Responsibility, Fair play, Perseverance, and Trustworthiness.

Helpful and Inspirational Books:

Dunn—"Community Civics for City Schools"
Dunn—"Community Civics and Rural Life"
Bok—"Americanization of Edward Bok"
Hale—"Man Without a Country"
Riis—"The Making of an American"
Hagedorn—"You are the Hope of the World"

CHAPTER TWO

GOOD CITIZENSHIP REQUIRES A STUDY OF THE DEVELOPMENT OF OUR CONSTITUTION

Place of education in government.

The greater portion of the people of the world have no choice in selecting their governors. In such countries there are two school systems. One educates those who are to rule and the other those who are ruled. The educational opportunity which a child receives is determined by birth and social position. The "high born" are given a complete education in one school system. The "low born" attend a different system and receive but a meager elementary training completed at an early age.

The "low born," or the people destined to be followers, do not study the fundamental principles of government. They are deliberately trained to be good, hard-working, industriously efficient, law-abiding subjects, content to plod along in an unchanging groove without having their curiosity aroused about the origin and the operation of their government.

In America we are really the governors ourselves and we must be trained to know the meaning of true liberty, to exercise the rights of a ruling citizenship, and to know the value of industry, of courage, and of character.

The background of citizenship.

In early childhood we have only a personal interest and cannot forget our own selfish desires however much they interfere with the rights of others. As we grow older we know well that it is the contacts we make with our parents, our neighbors, our friends, our schoolmates, our civic institutions, and our surroundings which make us what we are. Every association should have a tendency to mold us into better citizens. If we think back over our lives, we realize that we have passed through an evolution in the formation of habits to reach our present state of citizenship. In a similar way our nation has grown because our nation is composed of individuals such as ourselves. Our nation is a product of the Anglo-Saxon race. This race has the distinction of developing a capacity for self-government and for creating the free institutions which we have inherited.

Our religion is presented to us in historical form, and we enjoy studying the story of its fundamental principles and the sacrifices that made it an established religion.

Similarly we must study the story of the development of our Constitution, creating a background before we study this great document itself. "Precedents like cobblestones pave the pathway to the Constitution," and that pathway reaches far back to the beginning of the struggle for personal liberty.

It will be a matter of the highest interest to know how our government was created, how it operates,

and how it may be made the means of further progress in promoting the general welfare.

A great journalist writing on the Constitution said, "Almost every provision in that instrument has a history that must be understood before the brief and sententious language employed can be comprehended in the relations its authors intended."

It is with these principles in mind that we concern ourselves with the historical background and trace the development of the Constitution through its various stages until we study in their original form this and other great documents of liberty.

THE GROWTH OF THE CONSTITUTION

Periods of Development.

The form of government under which we live is not the work of a day, nor is it the work of any one man or any one body of men. It is the outgrowth of long experience. It is the product of a gradual evolution through a period dating far back in history. As we follow the growth of the Constitution, through the successive steps by which it was formed, we shall try to emphasize the underlying principles which, slowly but steadily, led the colonies to form a firm and lasting union and which have made the America of to-day one of the greatest governments of all time.

Broadly speaking, the story of the growth of the Constitution may be divided into three periods, although each period is related to the one following so that no definite line of demarcation can be drawn between the different periods.

Questions

To the Pupil:

1. Why is ignorance of the Constitution a real danger to us?
2. If our fellow citizens are in ignorance of the enforcement and the violation of the Constitution, can it affect our liberty? Why?
3. Why concern ourselves about understanding the Constitution when others in authority will do that for us?
4. Imagine that all the copies of the Constitution in existence were destroyed. On what basis would we continue our government? Why?
5. A good business man will not become a party to a contract without a thorough investigation, and in the case of real estate traces the history of the transaction back to government ownership. (*a*) Show how the government as a party of the first part and you as a party of the second part form a Personal Liberty-Insurance Contract. (*b*) Why is it good business policy, regardless of your duty as a citizen, to investigate what the government expects of you? (*c*) Show why the government is justified in expecting returns to the best of your natural ability.
6. Show how each generation can furnish the material which enables the one following to make more progress.
7. What object do business houses, life insurance companies, and banks have in using with their advertising material reproductions of famous documents and pictures of meetings and of men preparing such documents?

Things to Do:

1. Find the history of some local custom or institution and show how this knowledge gives you more interest in it.
2. From your grandparents get a description of the schools they attended and the subjects taught. Using this information in comparison with your school, show how their experiences were of service in giving you superior advantages.
3. Debate—Knowledge of the Constitution and its development is quite as essential to good citizenship as knowledge of the rules of a game before playing it.

CHAPTER THREE

COLONIAL GROWTH AND DEVELOPMENT—CAUSES HINDERING UNION OF THE EARLY COLONIES

During this period, as each colony grew in population and developed its character, certain circumstances from time to time revealed to the colonists the strength and advantage that came from united action.

Among the early English settlements there was but slight tendency toward union. This fact was principally due to the following reasons:

Different Motives of Settlement.

Each colony came independently from the mother country and was filled with a desire to establish itself for some particular purpose. In Virginia, for example, the purpose was commercial; in Plymouth the motive was to secure civil and religious liberty; while in Massachusetts Bay both these ideas held sway. These different motives cultivated a spirit of exclusiveness among the various colonies, and often aroused a spirit of jealousy of each other's success.

Scattered Settlements.

The settlements were widely scattered along the Atlantic coast. Communication between them was difficult and dangerous. Then, too, each settlement was generally so absorbed in the struggle for existence that in its earliest days it was compelled to some extent to remain isolated. Such isolation was

not without its advantages, however, as it developed a spirit of sturdy self-reliance and manly independence.

Conflicting Land Claims.

The land grants under the various charters frequently created rival claims to the same territory. As the settlements became more firmly established, the desire to trade increased the tendency to deal with each other, but disputes over territorial boundaries frequently led to jealousy and strife, and prevented the colonies from having cordial relations with one another.

CAUSES FAVORING UNION OF THE EARLY COLONIES

In spite of these facts, however, there were certain conditions which tended toward union.

Common Ancestry.

Generally speaking, the colonists were of English birth. They spoke the same language. They were bound together by the same customs and traditions brought from the mother country, and naturally their forms of government and laws were quite similar to those of England.

Common Dangers.

By far the strongest tendency toward union was the danger common to all from the French and the Indians. The necessity of united action against a common foe in their early days taught them respect for one another, and gradually paved the way for a true and vital union.

Commercial Relations.

The colonists early learned that each colony produced many commodities desired by the others. The products of the New England fisheries found

a ready market in the middle and southern colonies, while the ship stores produced in the Carolinas were eagerly sought by the shipbuilding interests of the northern colonies. West Indian productions were in demand in all the colonies, and most of the carrying trade was in the hands of the thrifty New Englanders. These commercial relations had a tendency to strengthen the ties between the different sections.

Interference of England.

As the colonies grew stronger there was still further cause for union in the gradual encroachment of England on their rights and liberties in her attempt to exploit the colonies for her own commercial advantage. United resistance to England finally became a necessity. But union was a slow process, for union is always a slow growth where strong individualism exists. It took a long time for the colonies to outgrow their individual tendencies, to realize that only through union could they maintain their rights against a force more powerful than any of the separate colonies. They also learned to subordinate their wishes to each other in order that a greater general good might result. It was not until one hundred eighty years after the establishment of the first English settlement that a real union was brought about.

Conditions Determining Forms of Local Government.

LOCAL GOVERNMENT IN THE COLONIES

Local government in the early colonies was developed along certain definite lines which were determined by several conditions. Among these conditions may be mentioned the following:

The character of the settlers.
The motives which led them hither.
The manner in which they came.
The topography, climate, and soil of the place of settlement.

These conditions in the northern and the southern colonies developed widely different forms of local government. If we take Massachusetts as the typical northern colony, and Virginia as the typical southern colony, we may see in a general way all the different features of local colonial government, since all the other colonies developed forms more or less similar to the form developed in either Massachusetts or Virginia.

Local Government in Massachusetts.

In the early part of the seventeenth century many of the people of England became greatly dissatisfied with the Episcopal or Established Church. They believed that many of its forms and ceremonies tended to prevent a true worship of God, and they earnestly wished to abolish them and to adopt what they regarded as a purer form of church worship. They also believed that each congregation should be independent in the management of its church affairs. Feeling that their ideas could be put into practice in America without interference, they decided to seek homes in the New World. Grouping themselves about their ministers, they came to this country enduring great hardships and suffering many privations, but filled with the lofty purpose of finding a place where they could establish and enjoy both civil and religious liberty. Bound together by

a common tie, they came not as individuals or as families, but as *congregations*. They established homes in little communities by themselves, set up their churches, and proceeded to establish a form of self-government. Each little group of settlers became known as a *town,* and the area over which they settled was called a *township*. Grants of land were given by the London Company to the congregations as a whole, and by the congregations were allotted to individuals. These townships were generally quite small in area, and the people met together for the transaction of public business. Thus their form of government was a *democracy*. It must not be inferred, however, that every man took part in public affairs. This privilege was exercised only by those who took the prescribed oath of allegiance, after being duly admitted "freemen" (that is, land holders) by vote of the town.

Precautions were taken to prevent undesirable persons from settling in the community. By the charters all freemen were allowed to vote; but since in the early days none but members of the church were admitted freemen, there was formed a close alliance between church and state. As all members of the township were usually members of the church, the "meeting house" served at first for both church services and town meetings.

The towns received their permission to establish settlements and their grants of land from the company formed in England under the title of "The Governor and Company of Massachusetts Bay in

New England." The charter provided for four general meetings of the freemen in all the towns each year. The freemen were to elect a governor, a deputy governor, and a council of eighteen assistants, to manage the affairs of the colony. The townships or congregations increased so rapidly in number, however, that general meetings of all the freemen soon became impracticable. Therefore, a plan was devised by which each town sent two representatives, called deputies, to what was called the "General Court." This General Court made laws for the united townships in all matters pertaining to the general welfare, but in all local matters each township was permitted to administer its own affairs. Thus for the state was established a *representative government.*

The people engaged in farming, fishing, shipbuilding, and commerce. They were industrious, thrifty, sober-minded, God-fearing men and women. The rigorous climate and the barren soil compelled diligent effort to gain a living, and there grew up a community without such insurmountable class distinction as existed in those colonies where, owing to the mild climate and the luxuriant soil, cheap labor was ever in demand.

Local Government in Virginia.

The early settlers in Virginia came solely for the purpose of trade, and, unlike the settlers in New England, they came not as congregations, but as *individuals.* The soil of Virginia was found to be peculiarly adapted to the raising of tobacco, and, since this product was especially profitable, the

settlers devoted themselves to its culture. As the crops soon impoverished the soil, it became necessary to clear and cultivate large tracts of land. The necessity of preparing and cultivating the land led to a demand for cheap labor, which was met by the importation of negroes from Africa, the bringing of a large number of indentured servants from England, and the kidnapping of many persons from English seaports. The plantations were established along the many broad, navigable rivers, and each plantation became a little community in itself, often embracing an area greater than that of a New England township, frequently shipping its annual crop of tobacco directly from its own wharf to England, and importing from England on the return voyage the various supplies needed for the next year. There were but few roads in the colony. Communication between the plantations was generally by means of bridle paths through the woods, and by boats manned by slaves on the many rivers. This plantation method of settlement naturally tended to isolation, and we find no towns as in New England. Labor was considered dishonorable and degrading, and there soon sprang up three distinct social classes. First came the wealthy, proud, and aristocratic plantation owners, who looked with contempt on all engaged in manual labor. Second came the blacks, who tilled the soil under the direction of their masters, and were little respected by all the whites. Then, there was a third class, composed of indentured servants and kidnapped persons, who,

when their term of service ended, were too proud to work in the fields with the negroes, and too poor, shiftless, or inexperienced in most cases to acquire plantations of their own. These people had no social standing, and formed a class by themselves known as "poor whites." The social standards which separated the plantation owners from the other classes naturally gave an opportunity for the upper class to assume control of the government of the colony. The settlers brought with them a knowledge of the forms and customs of the Established Church of England, and they based their government upon that of the church parish. Several plantations grouped together supported a church; and, as it was inconvenient for the people to meet together as they did in the New England towns, the management of local affairs was gradually intrusted to the vestrymen of the church. At first the people chose the vestrymen, but after a while they allowed the vestrymen to fill vacancies in their number, so that the people had little to do with local government. As the plantations increased in size and number, the colony was divided into eleven boroughs or counties, the borough usually consisting of several parishes. The people in each borough annually chose two representatives called burgesses, who met in a general assembly called the House of Burgesses, to transact all business for the colony as a whole. This House of Burgesses, which first met in 1619, was the first legislative body ever convened in America.

The Unit of Political Representation in Massachusetts and in Virginia.

Thus, we see that, while the unit of political representation in the colonial assembly was the town in Massachusetts, it was the county in Virginia. The New England town system and the Virginia county system of government are illustrative of two widely different forms of government, and the development of each was a natural outgrowth of the method of settlement; and the method of settlement in each case was a natural outgrowth of the way in which each colony came to America, and of the adaptation of the climate and soil of each section to the raising of certain products.

Local Government in the Other Colonies.

The other colonies established along the Atlantic seaboard developed forms of government which partook of the nature of both the town and the county systems, that particular form predominating which seemed best fitted to local conditions.

THE THREE FORMS OF COLONIAL GOVERNMENT

General Plan of Colonial Government.

The colonial governments were in the main copies of the English government. In England there was a King and a Parliament consisting of an upper branch, known as the House of Lords, and of a lower branch, known as the House of Commons. In the colonies we find a governor and a legislature, or assembly, consisting of an upper and a lower body. The duty of the legislature was to make the laws, while the duty of the governor was to see that the laws were enforced. In all the colonies the governor had an absolute veto power over the

acts of the legislature, and no colony could pass any law contrary to the laws of England. At first the legislature or assembly consisted of but a single body. In all the colonies, however, the governor was assisted in the performance of his duties by a council, or board of assistants, consisting usually of twelve or eighteen members, who were chosen in the same manner as the governor was chosen. In its capacity as a board of advisers to the governor, the council practically constituted an upper branch of the legislature, since all measures passed by the legislature were discussed by the council before being acted upon by the governor. The council gradually developed into the upper branch of the legislature. The council also frequently exercised judicial functions, being substantially a court of last resort in all colonial disputes. The colonial governments thus really consisted of a governor and a legislature composed of an upper and a lower body.

Three Forms of Colonial Government.

While the general plan of government was as thus stated, yet we find three distinctive forms of government in the colonies—charter, proprietary, and royal.

Charter Government.

To some of the settlers the king gave a charter specifying the powers granted to the colonists and the powers reserved to the crown. These charters, which could be legally changed only by mutual consent of the king and the colonists, were carefully preserved by the colonists as evidences of their rights. Under this form of government the people elected the governor and both branches of the leg-

islature. As these charters gave the people the right to govern themselves and to make their own laws, and as the king rarely interfered with their affairs in the early days, the charter colonies were practically small *independent republics.* The colonies having charter governments were Massachusetts, Rhode Island, and Connecticut.

During a quarrel with King James II in 1684, Massachusetts lost her charter, and under a new charter granted in 1691 she was part royal and part charter in that the governor was appointed by the king while the council was elected by the people. The charters of Connecticut and Rhode Island provided such satisfactory forms of government that these colonies merely continued their charters as state constitutions until long after the Federal Constitution went into effect—Connecticut in 1818, and Rhode Island in 1842.

Proprietary Government.

Sometimes the king gave a grant of land and the right to govern it to an individual to whom he was indebted for some special service or with whom he was particularly friendly. This was a *proprietary* form of government, and the person to whom the grant was made was called the "Lord Proprietary." The Lord Proprietary either governed the colony himself, or appointed some one to act for him, and also appointed the upper branch of the legislature. The lower branch was elected by the people. The nature of this form of government was thus that of a *limited monarchy.* Maryland, Pennsylvania, and Delaware were proprietary governments.

The grant to the Lord Proprietary of Maryland, Lord Baltimore, was especially liberal. Among other large powers conferred, it was distinctly stated that England had no right to levy taxes in the colony, and that all laws passed by the assembly were valid as soon as approved by the Lord Proprietary. In all the other colonies all laws had to be submitted to the king for approval.

Royal Government.

All the other seven colonies were directly under control of this kind, although some of them in their early days were proprietary governments. In this form of government the king named a governor to act for him, and appointed the upper branch of the legislature. The people, however, elected the lower branch.

Similarities of the Colonial Governments.

These three forms of colonial government were alike in certain respects. They all had a governor and an assembly or legislature consisting of an upper and a lower branch. The lower branch was always chosen by the people, and as all bills for raising revenue originated in the lower body, the people practically governed themselves since the power of taxation was in their own hands. If they disapproved of any measure, they could render it inoperative by refusing to appropriate any money for carrying it into effect. The right of taxing themselves had been an inherent right of all Englishmen since the year 1215, when the barons forced King John to sign the Great Charter on the plains of Runnymede. Each successive English sovereign had reaffirmed the provisions of the Great Charter, and

the settlers as English subjects claimed the right to levy their own taxes. In the charters granted to the London and the Plymouth companies it had been stated explicitly that the colonists should have the same rights and privileges as belonged to free-born citizens of England.

Differences of the Colonial Governments.

The most notable difference among the colonial governments was the manner of selecting the governor and the upper branch of the legislature. In the charter colonies the people chose both; in the royal and proprietary colonies the king or the proprietary appointed both.

Effect of Self-Government.

This practice in self-government, enjoyed in greater or less degree in all the colonies, was a valuable training. When England finally attempted to exert an unjust authority over them, she found the spirit of liberty and independence too deeply rooted to yield to her demands.

FIRST STEP TOWARD UNION—1639

The First Written Constitution.

The first step toward union was taken in 1639, when the inhabitants of Hartford, Windsor, and Wethersfield met at Hartford and adopted a written constitution called "The Fundamental Orders of Connecticut." This action was taken by the settlers on their own authority and responsibility, and is the first instance in history of a written constitution framed and adopted by the people themselves.

In this constitution of the Connecticut colony we have outlined some of the principles of government embodied in the Articles of Confederation and in the Constitution of the United States adopted a century and a half later.

Chief Characteristics of the Fundamental Orders.

(1) The government was a "federation of independent towns," each township having equal representation in the general court or assembly.

(2) Each township retained all rights and powers not expressly delegated to the general court.

"The government of the United States to-day is in lineal descent more nearly related to that of Connecticut than to that of any of the other thirteen colonies."

THE NEW ENGLAND CONFEDERACY—1643

Object and Management.

Four years after the union of the settlements forming the Connecticut colony, the four colonies of Massachusetts, Plymouth, Connecticut, and New Haven formed a league or confederacy, under the title of "The United Colonies of New England," for mutual aid and protection against the Dutch, the French, and the Indians. The affairs of the league were managed by a board of commissioners, consisting of two church members in good standing from each colony, which had power over all relations with the Indians and foreign powers. No measure could be carried into effect without the ap-

proval of six of the commissioners, and all acts of the commissioners were subject to the revision of the colonial legislatures.

A Confederation, not a Union.

While the presence of a common danger induced these four colonies to act unitedly, yet their confederation was in no sense a union, for it was expressly stated in their agreement that in all things except danger from outside enemies the colonies were to act independently. The security from hostile attacks during the forty years the league existed, served to teach the advantages of a close union of colonies whose interests were identical.

FIRST REAL UNION OF COLONIES

In 1662 the Connecticut and the New Haven colonies were united by royal command under the name Connecticut. In like manner, the Providence and the Rhode Island Plantations became the Rhode Island colony in 1665. In 1691 the Massachusetts Bay and the Plymouth colonies were joined together under the name Massachusetts.

THE FIRST AMERICAN CONGRESS

After the Schenectady massacre by the Indians in 1690 the government of New York, influenced by the success that had attended the New England confederacy, invited the various colonies to send delegates to a general colonial congress to confer in regard to the adoption of a plan for providing

means of offense and defense against their common foes—the French and the Indians. Delegates from five colonies—New York, Massachusetts, Plymouth, Connecticut, and Maryland—met in May, 1690, and entered into an agreement to raise troops for the common defense. This was the first American Congress. The allied colonies made an invasion of Canada which was a failure.

PENN'S PLAN OF UNION

In 1697 William Penn proposed the establishment of a congress of all the colonies for mutual consultation and coöperation. This congress, to be composed of two delegates from each colony, was to meet regularly once in two years, and oftener should public necessity require, to confer in regard to all matters pertaining to the general welfare. Although the plan was not adopted, its suggestion shows that the idea of union was present in the minds of the ablest and closest students of colonial affairs. The colonists as a whole, however, had not awakened to the possibilities of united action.

THE ALBANY CONVENTION—1754

Object of the Convention.

The next step of importance toward union was taken at Albany in 1754. At the request of the Lords Commissioners for Trade a convention of the colonists was held at Albany for the twofold purpose of forming a closer alliance with the Six Na-

tions, and of taking steps to resist the increasing power of the French. Seven of the thirteen colonies —Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland—sent delegates. The convention decided that a union was necessary for the preservation of the colonies, and appointed a committee, consisting of one delegate from each colony represented, requesting that they draw up a plan of union. The venerable Benjamin Franklin was a member of this committee, and a plan of union proposed by him was recommended by the committee and approved by the convention.

Principal Features of Franklin's Plan of Union.

This plan, commonly called "Franklin's Plan of Union," provided for a President General, to be appointed by the Crown, who was to have an absolute veto power over all acts of the council; and a Grand Council of delegates to be chosen every three years by the colonial assemblies. This council was to have charge of all affairs which concerned the colonies as a whole, and power to levy taxes to provide for the common defense.

The Plan Rejected.

The plan was submitted to the several colonial legislatures, but was rejected by all because it gave too much power to the crown. Each colony was unwilling to lose its individuality and give up the right of regulating its own taxes. The plan was also disapproved by the crown because it gave too much power to the colonies.

Although the pressure of a common danger was not sufficiently strong to compel a union, still the

discussion of the question of union led the colonists to consider seriously the advantage of acting together in matters affecting all of them.

THE FRENCH AND INDIAN WAR (1754-1763)

Help Toward Union.

During the French and Indian War immediately following the Albany Convention the colonies acted unitedly in repelling their long-standing enemy—the French. The men from the various colonies fought side by side, shared the hardships of warfare, became better acquainted with each other, and learned that although they differed in many respects, yet there were many things in which they had a common interest.

Questions

To the Pupil:

1. Contrast the motives of the people who settled the different colonies.
2. What conditions led the colonists to feel the need of united effort?
3. How did the difference in the aims of settlement enable the colonists to gain experience in representative government?
4. Define a town; a township.
5. What is a democracy?
6. Show how your high school could be organized into a representative government.
7. Where did the colonists get their ideas of government?
8. Compare each of the three distinctive forms of government in the colonies.
9. Did England expect the colonists to remain under her control? What mistakes were made in the forms

of government allowed to develop in the different colonies?

10. What was Franklin's Plan of Union? Why did it fail?
11. What were the causes and the results of the Albany Convention?
12. Show the importance of each step toward union discussed in this chapter, giving special attention to the conditions that led the colonist to realize that "in union there is strength."
13. Why was the New England Town Meeting called the "Training School in Democracy"?

Things to Do:

1. Imagine that you are a colonist living in Virginia or in one of the New England colonies. Write a letter to a friend in England expressing your point of view in regard to restrictions; taxes, and acts of the King.
2. As a colonist give a three-minute talk expressing your opinion in proposing a new type of government.
3. Arrange in convincing form the evidence that the colonists were in need of a closer union.
4. Organize your class into a House of Burgesses or into a New England Town Meeting and discuss some of the problems confronting that body.

CHAPTER FOUR

PERIOD OF ENGLISH INTERFERENCE

During this period the idea of nationality had its birth through the stress of external influences which compelled united action in order that the colonies might obtain their rights and liberties.

Rights of English Colonists in America.

It was stated explicitly in all the colonial charters and grants that the English colonists in America should possess all the rights and privileges enjoyed by native-born Englishmen at home, and it was in consequence of the refusal of the English government to allow the colonists to enjoy these rights that the American Revolution was brought about. In order to understand clearly the causes of the Revolution it is necessary to look far back in English history to learn what rights were claimed by the colonists, and to see the gradual evolution by which these rights were obtained by the English people.

William I, The Conqueror. Feudalism.

Previous to the time of the conquest of England by the Normans most of the land was in the hands of the Church and a few men who were called "lords of the manor" because they owned large manors or estates. The people living on these manors were subject to their lord, were obliged to render him certain services in labor, and were not allowed to

leave the estates without permission. The bishops and the lords met together from time to time to confer in regard to the affairs of the country, and to make such laws as they deemed best. The common people, however, had no voice in making these laws, and were little better than serfs or slaves.

In 1066 the Normans conquered the country, and William the Conqueror, Duke of Normandy, became King of England. William did not claim to be king wholly by right of conquest, but he summoned the lords of the manors to meet him, and then asked them to elect him king. Most of them complied with his request, took the oath of fealty, and received permission from the newly elected king to retain possession of their lands on the payment of a sum of money. The people of those days believed in feudalism, that is, that all the land belonged to the king, and that it was his privilege to dispose of it as he saw fit. In accordance with the English law and belief that all the land belonged to the king, William now seized all the estates of those who would not acknowledge him king, and distributed them among his Norman followers on condition that they should render him such military service as he demanded. He also required not only the lords, but all the tenants on the estates of the lords, to take the oath of loyalty to him personally. Bareheaded, without arms, and on bended knees, his subjects placed their hands in his and solemnly swore: "I become liege-man of yours for life and limb and earthly regard, and I will keep faith and

loyalty to you for life and death." Then the king sealed the oath with a kiss of acceptance.

King William's power was absolute. He made all the laws, levied taxes, and punished and imprisoned his subjects as he saw fit. Although arbitrary and severe, his rule was just. But the bishops and the lords, who before the Conquest had exercised a voice in the government, were dissatisfied with a ruler who possessed such absolute power. Then there began a long struggle, lasting for more than seven centuries, between the people and the king. The kings, for the most part, contended for the right of governing as they wished, while the people with their ever-growing love of liberty and freedom of government demanded the right to make the laws which they must obey.

The rule of William II, the son and successor of William the Conqueror, was so unjust and tyrannical that there was much rejoicing when he was found, his heart pierced by an arrow, in the New Forest which his father had created. Determined not to be ruled again by a monarch with such great power, the bishops and lords compelled Henry I, another son of William the Conqueror, on his accession to the throne in 1101, to issue a Charter of Liberties to the nation. This charter was an agreement or promise on the part of the king that he would grant his subjects good government. He agreed that they should enjoy all their ancient rights and liberties, and promised to reform the many abuses which had come in during the reign of his

brother. The important thing to be remembered about the Charter of Liberties is that it really granted equal rights to all freemen.

Influence of the Crusades

The Crusades exerted a powerful influence in securing liberty for the people. When it was desired to raise money to carry on an expedition to the Holy Land, the kings sold certain rights of self-government to the large cities, and the lords allowed their retainers to buy the land on which they lived, so that when the crusades were over there was a multitude of small landowners in the kingdom. This change in the ownership of land was destined to prove an important factor in securing to the people freedom of government, for all the landowners were interested in maintaining the ancient rights of property owners, and in acquiring additional rights which the love of liberty prompted.

King John— Magna Charta.

King John, the great grandson of Henry I, was a heartless, brutal monarch who cared nothing whatever for the welfare of his subjects. He denied the right of the Church to appoint its officers and to enjoy the use of its property. He oppressed the barons by his heavy extortions of money, violated the charters which had been granted to London and other large cities; compelled merchants to pay large sums of money for the privilege of carrying on their business, and even deprived the poor workmen of the tools by which they gained a livelihood when they could not pay the money he demanded. He threw men into prison without reason, and refused to grant them a trial. In short, he refused abso-

lutely to regard as sacred any of the rights and privileges which the people had come to consider their own. When he died, the most his subjects could say of him was that there had passed away "a knight without honor, a king without justice, and a Christian without faith."

Magna Charta.

King John's injustice and oppression finally became so unbearable that his subjects were driven to rebellion. Stephen Langton, the archbishop of Canterbury, the head of the Church in England, called a meeting of the clergy, the barons, and the leading men of the country, to protest against John's grievous abuse of the kingly power. The archbishop brought forth the old "Charter of Liberties" granted by Henry I a century before, and all present swore an oath that they would demand and maintain the rights granted by this ancient document. The barons then made war on King John, and on the plains of Runnymede, an island in the Thames River a few miles below London, on June 15, 1215, forced him to sign a new agreement called Magna Charta, or the Great Charter.

Provisions of Magna Charta.

Most of the sixty-three provisions of Magna Charta relate to abuses of the time, and have now become obsolete. Three of its provisions, however, are of the utmost importance in the history of English liberties:

(1) No taxes (except in three cases especially mentioned) were to be levied except by the consent of the general council of the kingdom.
(2) No freeman was to be imprisoned or proceeded

against unless by the lawful judgment of his peers, or by the law of the land.

(3) Justice or right was not to be denied or sold to any man.

In these provisions of the Great Charter we have the first great step toward securing those rights of personal liberty which have been so highly prized and so carefully guarded by all English-speaking peoples. While these rights were obtained largely, if not wholly, by the insistence of the barons, yet the Great Charter marks the first time in English history that a compact had been made between the king and the people. It was a most important step toward securing national government.

Henry III. Beginning of House of Commons.

King John's son and successor, Henry III, was weak, extravagant, and inefficient. The barons refused to grant the enormous sums of money which he demanded, and under the leadership of Simon de Montfort a new parliament was assembled in 1265. This parliament differed from all previous parliaments, for knights of the shires (counties) and citizens of the boroughs (towns) were summoned to meet with the bishops and the barons. For the first time the national council granted by the Magna Charta was truly national in character in that all classes of people were represented in the government. This parliament was the beginning of the House of Commons, which represents the common people as distinguished from the clergy and the nobility.

At first all the representatives met together, but later the bishops and the barons sat in one body, as the House of Lords; and the knights and the citizens in another body, as the House of Commons.

Edward I —Confirmation of Charters.

Edward I, who came to the throne in 1272, attempted to tax the people arbitrarily, but his methods were declared illegal, and he was forced to confirm the Charter of Liberties of Henry I, the Great Charter of King John, and all other rights and liberties. This confirmation reaffirmed the principle that the people, who really pay the taxes, have a right to determine the taxes laid. It also granted security and protection to private property, and virtually announced the principle of no taxation without representation.

Charles I. The Divine Right of Kings. Petition of Right.

The pleasure-loving monarch Charles I came to the throne in 1625 filled with the idea that he ruled by divine right, and not by consent of the people. In his attempt to exercise that absolute authority which he claimed as his royal prerogative, he entered into a long struggle with Parliament. His illegal taxation, his interference with the courts of justice, his unjust imprisonments, and other arbitrary and unlawful acts, led Parliament in 1628 to refuse him supplies for carrying on the war in which he had become involved with France, until he had signed the Petition of Right which Parliament had drawn up. In this Bill the king pledged himself to raise no taxes without the consent of Parliament, to imprison no man except by legal process, to quarter no soldiers on the people except in time of war,

and to observe faithfully all other national liberties. That the refusal of King Charles to keep his promises finally resulted in his execution, shows how deeply rooted the principles of personal liberty and freedom of government had become.

Charles II. Habeas Corpus Act.

Another great step in the securing of personal liberty was taken in 1679, when King Charles II was compelled to give his assent to the Habeas Corpus Act. The Latin words *habeas corpus* mean "you may have the body," and the act permitted any man arrested and imprisoned to be brought at once before a judge who had authority to release him if he was not charged with some specific offense; or if so charged, to see that he had a trial before the proper court without delay.

William and Mary. Bill of Rights.

The final step in establishing the authority of the people was taken in 1689 when Parliament passed the Bill of Rights, and to which King William and Queen Mary were obliged to assent before being crowned. This Bill of Rights set forth the rights of the people as declared by all previous charters and grants, proclaimed that the king ruled by consent of the people, declared the right of the people to petition for redress of grievances, and announced the right of the subjects to rebel when their rights were denied. From this time on we find that the ruling power has rested with the people as voiced through their representatives in Parliament, rather than with the ruling monarch.

The Six Great Rights.

The six great rights which the people of England obtained after a struggle for hundreds of years,

and which the American colonists as subjects of England also claimed, may be briefly summarized as follows:

The Right to make their own Laws and levy their own Taxes.

When charged with a specific offense, a man has the right to have his guilt or innocence determined by a jury of his equals. **The Right of Trial by Jury.**

Every one has the right of freedom from arbitrary and unjust arrest and imprisonment in time of peace. **The Right of Habeas Corpus.**

"A man's house is his castle," and no one, not even an officer of the law, has the right to enter and search one's house in time of peace without a written order from the government specifying the house to be searched, and the person or things to be seized. **The Right of Security in the Home.**

That is, the government cannot compel a citizen in time of peace to provide food and lodging for soldiers. **The Right of Refusing to Quarter Soldiers.**

It is the right of the people to assemble peaceably to discuss their wrongs, and to petition for redress. **The Right of Petition.**

THE STAMP ACT CONGRESS—1765

Why Called.

At the close of the French and Indian War, England proposed to tax the colonists for a part of the expense incurred in that conflict which drove England's rival from the American shores. To reimburse the English treasury for part of the expenses of the war, and to collect a revenue to pay in part for the maintenance of the army necessary

to control the territory acquired from France, Parliament passed the Stamp Act in 1765. This act, which required all legal documents, newspapers, pamphlets, almanacs, etc., to bear stamps furnished by the British government, aroused the deepest indignation throughout the colonies. To protest against this unjust treatment, a colonial congress, called the Stamp Act Congress, met at the request of Massachusetts at New York in October, 1765. Delegates were present from nine colonies—Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina. Timothy Ruggles of Massachusetts was chosen president.

Action of the Congress.

The congress took the following action, each colony being entitled to one vote:

(1) It issued a Declaration of Rights, in which it was asserted:
   (*a*) That the colonists are loyal subjects of the crown, and as such are entitled to all the rights of native-born subjects;
   (*b*) That it is the undoubted right of all Englishmen to be taxed only by a body in which they are represented;
   (*c*) That the colonists are not and from their local circumstances cannot be represented in the House of Commons; and, therefore
   (*d*) That no taxes can be legally imposed on them but by their respective legislatures.
(2) It sent a remonstrance to the king.
(3) It sent a memorial to Parliament.

What the Colonists Contended.

It should be borne in mind that the colonists were not arguing for representation in Parliament, but were contending for the principle that taxation without representation was both illegal and unjust. That the colonists were loyal to England and willing to bear their share of the expenses of the war and of the government of the territory acquired from France, there is not the slightest doubt; but they insisted on the time-honored right of all Englishmen of levying their own taxes. England had tried for seventy-five years to induce the colonies to unite against the French, but without success. The French and Indian War, however, had taught the colonists confidence in and respect for one another, and had proved the value and possibility of united action. Now, under the pressure of this common danger of "taxation without representation," which seemed to be striking a blow at their very existence, the colonies of their own accord united in protest.

England's Persistence in Taxing the Colonies.

Although Parliament was compelled by the vigorous resistance of the colonists, and the warm protests of British manufacturers whose colonial trade was nearly ruined, to repeal the Stamp Act in 1766, yet England persisted in her attempt to tax the colonists, first by the Bill of 1767, and later by the tax on tea alone. The colonists—especially in Massachusetts—zealously refused to be taxed except by themselves. England's conduct during the next few years was such as gradually to crush out the feeling of loyalty and affection, and finally to drive the colonists again to unite to resist her tyranny.

COMMITTEES OF CORRESPONDENCE—1772

Colonial.

In 1772 the king struck another blow at Massachusetts, and indirectly at all the colonies, by ordering that thenceforth the salaries of the judges should be paid by the crown instead of by the colonial government. As this would virtually make the judiciary the tool of the king, the opposition of the colonists to this scheme was prompt and spirited. The refusal of Governor Hutchinson to convene the General Court to discuss this measure led the Boston town meeting, at the suggestion of Samuel Adams, to appoint a committee to correspond with the various towns of the colony relative to this and other violations of colonial rights, and to seek advice as to the best way of preserving their liberties. Other towns speedily followed Boston in establishing committees of correspondence, and so well did these committees do their work that in a few weeks the towns of the old colony were bound together by a stronger tie than they had ever before known.

Intercolonial.

The success of these committees in awakening the towns to the danger threatening them, led, through the influence of Virginia, ably seconded by Massachusetts, to the forming of intercolonial committees of correspondence in most of the colonies. These intercolonial committees served the same purpose among the colonies that the town committees served among the towns. By this means all the colonies were kept informed of what was going on in each of the other colonies, and all the colonies were brought into closer touch with each other than ever before.

PROVINCIAL CONGRESS OF MASSACHUSETTS—1774

The Regulating Act

Owing to the continued efforts of England to rule the colonies arbitrarily, the people of Massachusetts organized a Provincial Congress in 1774 with John Hancock as president. It met first at Salem, and then adjourned to Concord. A committee of safety was appointed which was directed to collect military stores, organize the militia, and be prepared to act on the defensive the moment England should attempt to enforce the Regulating Act. This Act if enforced would deprive Massachusetts of her charter. It also forbade the people of Massachusetts to assemble in town meeting except for the election of officers, and vested the appointment and payment of all officers and judges in the hands of the crown.

FIRST CONTINENTAL CONGRESS—1774

Declaration of Rights

Colonial relations with the mother country grew more and more acute, and, in accordance with a request of the Provincial Congress of Massachusetts, another assemblage, called the First Continental Congress, met at Philadelphia on September 5, 1774. The fifty-five delegates present represented all the colonies except Georgia. Peyton Randolph of Virginia was elected president. The Congress took the following action, each colony being entitled to one vote:

(1) It issued a Declaration of Rights, in which the colonists claimed that,

(*a*) by the laws of nature.
(*b*) by the principles of the English constitution, and
(*c*) by the several charters or compacts, they were entitled to certain rights, among which they named the following:
(1) The right to life, liberty, and property.
(2) The right to levy their own taxes.
(3) The right to make their own laws.
(4) The right to trial by jury.
(5) The right to assemble peaceably to discuss their grievances, and to petition for redress.

(2) It issued addresses to the king and to the people of Great Britain and Canada.
(3) It recommended the suspension of all commercial relations with Great Britain until England should redress their grievances.
(4) It made provision for holding another congress, if necessary, at Philadelphia in the following May.

Spirit of the Colonists.

The growing determination of the colonists to secure absolute self-government is seen in the fact that, while in the Stamp Act Congress they demanded the right to levy their own taxes, in the First Continental Congress nine years later they demanded the right to make their own laws.

SECOND CONTINENTAL CONGRESS—1775

Declaration of personal and of national Political Rights.

During the spring of 1775 England attempted to compel the colonies to submit to her authority, and, in accordance with the suggestion of the congress held in 1774, another congress, called the

Second Continental Congress, convened at Philadelphia on May 10, 1775. All the colonies except Georgia were represented, and on all questions each colony was entitled to one vote. John Hancock of Massachusetts was chosen president. Meeting, as it did, just after the British attack on the colonists at Lexington and Concord, this Congress by common consent assumed control of colonial affairs, and, with occasional adjournments, continued in session until the articles of Confederation went into effect in 1781. The following action was taken:

(1) A final petition was sent to the king.
(2) The American Continental Army was organized, and George Washington was chosen its commander-in-chief.
(3) Steps were taken to meet the expenses of the war by issuing bills of credit in the name of "The United Colonies of America."
(4) The colonies were urged to organize state governments, pending the settlement of their difficulties with England.
(5) A treasury department and a general post-office department were established.
(6) The Declaration of Independence was issued.
(7) The Articles of Confederation were formulated and recommended for adoption.

THE DECLARATION OF INDEPENDENCE—1776

Committee to Formulate.

Early in 1776 the question of separation from the mother country began to be discussed, and on June 7, 1776, Richard Henry Lee, a delegate from Virginia, submitted to the Congress a resolution

SIGNING OF THE DECLARATION OF INDEPENDENCE

declaring the independence of the colonies. On June 10 the resolution was adopted, and a committee was appointed to draft a declaration of independence consisting of:

Thomas Jefferson of Virginia,
John Adams of Massachusetts,
Benjamin Franklin of Pennsylvania,
Roger Sherman of Connecticut, and
Robert R. Livingston of New York.

The Declaration, prepared by Thomas Jefferson, was formally adopted by the Congress on July 4, 1776, and "The United States of America" took its place among the nations of the earth.

It certainly is not without significance that the

bell on Carpenter's Hall, whose reputed ringing announced the passage of the Declaration, bore the Biblical inscription, "Proclaim liberty throughout all the land unto all the inhabitants thereof."

Main Features of the Declaration.

The main features of the Declaration are as follows:

(1) A Preamble, or introduction, telling why the Declaration is publicly issued.
(2) A statement of the rights of men, the reasons for establishing governments, and the circumstances under which changes in government are justifiable.
(3) A statement of the unjust acts of the king.
(4) A statement of the remonstrances of the colonists thereto.
(5) The Conclusion, or the Declaration of Colonial Independence:

> "We, therefore, the representatives of the United States of America . . . do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare,
>
> "That these colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

To the Pupil:

(1) Memorize the first three sentences of the Declaration.

(2) Mention the specific act or acts on which each of the twenty-seven charges of injustice is based.

(3) Mention the places where specific reference is made to any of the six great rights claimed by English Colonists in America.

(4) Memorize the Conclusion, or Declaration of Colonial Independence.

THE ARTICLES OF CONFEDERATION—1781

Why Adopted.

At the time of the meeting of the Second Continental Congress in 1775, the situation was critical, and prompt action was necessary. Naturally, Congress took control of affairs and acted for the colonies as best it could. While no definite authority had been delegated to it by the colonies, the presence of a common danger compelled united action, and the colonies looked to Congress to act for them. Soon realizing that its power was limited to advising measures without power to enforce them, Congress appointed a committee (at the same time that it appointed a committee to draft the Declaration of Independence) to draft "The Articles of Confederation and Perpetual Union." Congress adopted these Articles on November 15, 1777, and sent them to the several states for approval and ratification, with the understanding that they were not to go into operation until ratified by every state. The last state ratified them March 1, 1781, and they at once went into effect.

Principal Features.

The principal features of the articles of Confederation were as follows:

(1) The Confederation was a league of states, each state retaining its own sovereignty.
(2) The legislative department consisted of a Congress of one house, composed of not less than two and not more than seven delegates from each state, each state paying its own delegates.

(3) All questions were to be decided by states, each state having one vote, and to all important measures the consent of nine states was necessary.
(4) The executive department was vested in a "Committee of the States," composed of one delegate from each state.
(5) Congress had charge of all war matters, finances, Indian affairs, relations with foreign nations, and some other matters.
(6) The Articles could be amended only by the unanimous consent of the states.

Chief Defects.

While this government was better than no government at all, yet its power was so little that it was really a government in name rather than in fact. The chief defects were as follows:

Congress had no Real Power.

The great weakness of the Articles was that Congress had no power to compel obedience to its decrees. It could levy taxes, but could not collect them; it could make laws, but could not compel obedience to them; it could make treaties, but could not enforce them. "In short, it could declare everything, but could do nothing." The government represented the American states, and not the American people. It "operated upon states, and not upon individuals." When an individual defies the law, you can lock him up in jail, or levy an execution on his property. The immense force of the community is arrayed against him, and he is as helpless as a straw on the billows of the ocean. He cannot raise a militia to protect himself. But when a law is defied by a state, it is quite otherwise. "You

cannot put a state in jail, nor seize its goods; you can only make war on it."

Commerce Uncontrolled.

Congress had no power to regulate commerce. Trade with foreign nations and between the states was wholly in the hands of the individual states. This prevented Congress from raising a revenue by means of import duties, and allowed each state to levy duties in such a manner as to profit at the expense of its neighbors. The states without seaports were at the mercy of those possessing good harbors. Each state also frequently laid excessive taxes on goods brought in from adjoining states.

Equal Power of States.

As all questions were decided by states, the smaller and weaker states were placed upon a level with the larger and stronger states. Rhode Island, for example, was as powerful in all matters of legislation as the state of Pennsylvania with a population more than six times as great.

Minority too Powerful.

The requirement that no measure of importance could be passed without the consent of nine states gave the minority a vastly greater power in legislation than it ought to possess.

No Executive Head.

The government had no real head. Leaving the management of affairs to a "Committee of the States" during the time Congress was not in session, was simply a confession that the states distrusted each other, and were unwilling to trust the executive power to a single person.

No Judiciary.

There was no judiciary or system of courts for securing justice to the states in their relations to the general government and to each other.

Amendment was possible only by the unanimous consent of the states. This requirement enabled a single state by its refusal to agree to any change to nullify the wishes of the other twelve.

Difficulty of Amending.

After the Revolution the Articles of Confederation appeared more defective than ever, and it was generally admitted that as a form of government they were totally inadequate. With no power to preserve order, to control commerce, to establish a uniform currency, or to raise money to pay its debts, Congress soon fell into disrepute both at home and abroad. Powerless to interfere, Congress witnessed the constant quarreling of the states over their boundaries, their incessant strife over commercial affairs, and their ever-growing jealousy of each other. Emboldened by the serious differences among the states, and by the inability of Congress to carry out the terms of the treaty of peace, England deliberately refused to comply with all the provisions of the treaty of 1783, hoping that the states would become so disunited that one by one she might be able to secure control of them again. In this crisis Congress several times proposed to the states the amendment of the Articles, giving Congress power to levy and collect taxes on imports. The refusal of one or two of the states each time to agree to this plan, however, prevented the amendment, and the government fell into greater contempt than ever. Washington, Hamilton, Madison, Franklin, and others had early seen the fatal defects

Critical Condition after the Revolution.

of the Articles, and they now viewed the condition of affairs with alarm, fearing lest a breaking up of the government should take place. The seriousness with which Washington regarded the situation is shown by his reply to a member of Congress who urged him to use his influence with the states to secure a stronger support of the general government. "You talk, my good sir, of employing influence," wrote Washington. "*Influence* is not *government.* Let us have a government by which our lives, liberties, and properties will be secured, or let us know the worst at once."

Shays's Rebellion —1786.

The weakness of the government under the articles in not being able to establish a uniform currency and to regulate trade, was brought home by riots in various parts of the country, and particularly by Shays's rebellion in Massachusetts. All goods bought abroad had to be paid for in gold and silver, and as our imports were greatly in excess of our exports, hard money rapidly disappeared from circulation. Owing to the lack of money people were unable to sell their products, pay their taxes, or engage in trade. Farms, cattle, and tools were seized and sold to pay taxes and mortgages, and in many cases people were imprisoned for debt. In response to a general demand, and in the hope of relieving distress, many states issued paper money. When Massachusetts refused to issue such money, about two thousand farmers in the vicinity of Worcester and Springfield, under the leadership of Daniel Shays, a former captain in the Revolution,

seized the court houses, refused to allow the courts to sit, and thus for several months prevented the prosecution of debtors. The insurrection was finally put down by the state militia. But these troubles clearly revealed another inherent defect in the articles, namely, the powerlessness of Congress to maintain order. It was readily seen that Congress could render a state no assistance if an insurrection should become so great that the state militia could not quell it.

This rebellion was one of the chief events leading to the new Federal Constitution. The conservative citizens in every state were greatly alarmed when open rebellion developed in Massachusetts and officers of the government were not permitted to carry on their duties. Many felt that the Articles of Confederation had given the people too much power and the nation was suffering (as Gerry expressed it) from "an excess of democracy." There was a general demand for a central government strong enough to carry out the will of the people expressed in law. As we shall see, this reaction brought a spirit of conservatism into the Constitutional Convention a few months later that had great influence in shaping our Constitution.

Questions

To the Pupil:

1. Show how the experiences of older people or how former generations have contributed to you ideas that you would be long in acquiring if left to yourself.

2. Apply to nations the conclusions reached in the preceding question.
3. What is Feudalism? Why did it work so successfully for such a long time?
4. Why is it unnecessary to take an oath of loyalty when you are born in a nation such as ours?
5. What actions of William the Conqueror would you, with your present ideas, consider unjust?
6. From the experiences following the crusades show why a representative government strives to have its citizens own their own homes and practice thrift.
7. Why do property owners have more interest in their government?
8. After reading of the reign of King John show how the kings themselves were really to blame for losing their power.
9. In the reign of which of the kings would you have rather lived? Why?
10. After the crusades the nation and king were always greatly in debt. What advantage did this give the people?
11. What was the great importance to us of the organization of the House of Commons?
12. Ask older persons if they know of any instances where candidates for office have made promises that were carried out no more faithfully than those of Charles I. Report what happened to them.
13. Define Habeas Corpus and tell why this act was so urgently desired by the people.
14. What relation does the action of the Stamp Act Congress have to the Six Great Rights?
15. Inasmuch as modern methods of communication were not in existence, what schemes were used to keep the colonists informed regarding developments? Show how this encouraged the desire for representative government.

16. Beginning with the Provincial Congress of Massachusetts trace the important actions that led to the Declaration of Independence.
17. Prepare a brief biography of at least five of the men prominently identified with the Declaration of Independence.
18. Is there any significance in the fact that the Declaration of Independence was signed by 24 lawyers, 14 farmers, 4 physicians, 4 ministers, 1 manufacturer, and 9 merchants?
19. Relate the causes or conditions which led to the Articles of Confederation.
20. Give an account of the Articles of Confederation. Why was it a failure?
21. What was the significance of Shays's rebellion?
22. Support the contention that the colonists needed a new type of government.

Things to Do:

1. Would you have been happy during the reign of King John? Prepare a three-minute talk on why you think your government is more satisfactory.
2. Suppose that you are a rather important member of a small community in England and while in London on business you have just heard that Queen Mary has signed the Bill of Rights. Talk to your neighbors (the class) telling just what it is going to mean to them.
3. Being a colonist suppose that you had received a letter from a sympathizer with the King of England denouncing the action of the Stamp Act Congress as unjust and unreasonable. Write a letter in reply.
4. Find one of Patrick Henry's famous speeches, select and memorize a paragraph that appeals to you, and speak it before the class.
5. Write a newspaper editorial for publication during Shays's Rebellion.

CHAPTER FIVE

PERIOD OF REALIZATION OF NATIONALITY—1781–1789

During this period the internal influences previously noted compelled the formulation of "a more perfect union" in order that the states might preserve in their integrity the rights and liberties won by united resistance to England's oppression.

The Annapolis Convention—1786.

In the absence of any central authority to regulate foreign commerce, each colony levied whatever import duties it saw fit. The desire of each state to gain all it could for itself naturally led to such confusion and strife as to cause trade with foreign nations rapidly to decline. Then, too, some states laid such restrictive duties on the products of other states that interstate trade fell off alarmingly. Trade relations finally became so bad that, in accordance with a request of the legislature of Virginia, a convention of delegates to consider the subject of "the trade and commerce of the United States" was held in Annapolis, Maryland, in September, 1786. The twelve delegates present represented but five states—New York, New Jersey, Pennsylvania, Delaware, and Virginia—and no action was taken. The convention, however, unanimously approved a report drawn up by Alexander Hamilton, urging the calling of a convention to devise such plans as would "render the Constitution

Alexander Hamilton

adequate to the exigencies of the Union." This report was sent to all the states and the Congress. The situation grew more and more intolerable, and early in 1787 Congress recommended the calling of a convention to revise the Articles of Confederation. The states approved the recommendation of Congress, and appointed delegates as requested.

The Federal Convention (1787).

The convention met May 14, 1787, at Independence Hall in Philadelphia, and remained in secret session for four months. The delegates present represented all the states except Rhode Island. George

Washington of Virginia was unanimously chosen President, "and one William Jackson, otherwise unknown to fame and apparently not a delegate, was chosen as Secretary. The debates in this convention were held strictly secret, but James Madison every night made notes of its proceedings, which were published after his death and from which alone we derive a fair picture of the measures brought forward, considered, the difficulties surrounding this union of the states, and the final adoption of the various measures."

"It is quite common nowadays to speak of this convention as composed of rich men and lawyers, the rich men predominating. However, rich men in those days did not compare in wealth with the rich men of to-day. Of the fifty-five who at one time or another sat in the convention there were sixteen lawyers, the most eminent in the country and in fact in the world at that time. Very few lawyers in that day were rich men. The fees of the most eminent would not to-day pay office rent in any city in the country."

"Alexander Hamilton, the leader of the Federalist Party and one of the most eminent lawyers of his time, was born in the Bermudas, came to New York practically penniless, and accumulated no more than a small competence although he had at one time the largest law practice in New York."

"Roger Sherman of Connecticut was apprenticed to a shoemaker, studied at the cobbler's bench, became a surveyor, a merchant, later served as Chief

CONSTITUTIONAL CONVENTION OF 1787

Justice of his state and United States Senator, a poor boy who owed everything to his exertions."

"James Wilson, a Scotchman, who was undoubtedly the ablest Constitutional lawyer in the convention, later a justice of the Supreme Court, died prematurely because of his worry over money troubles."

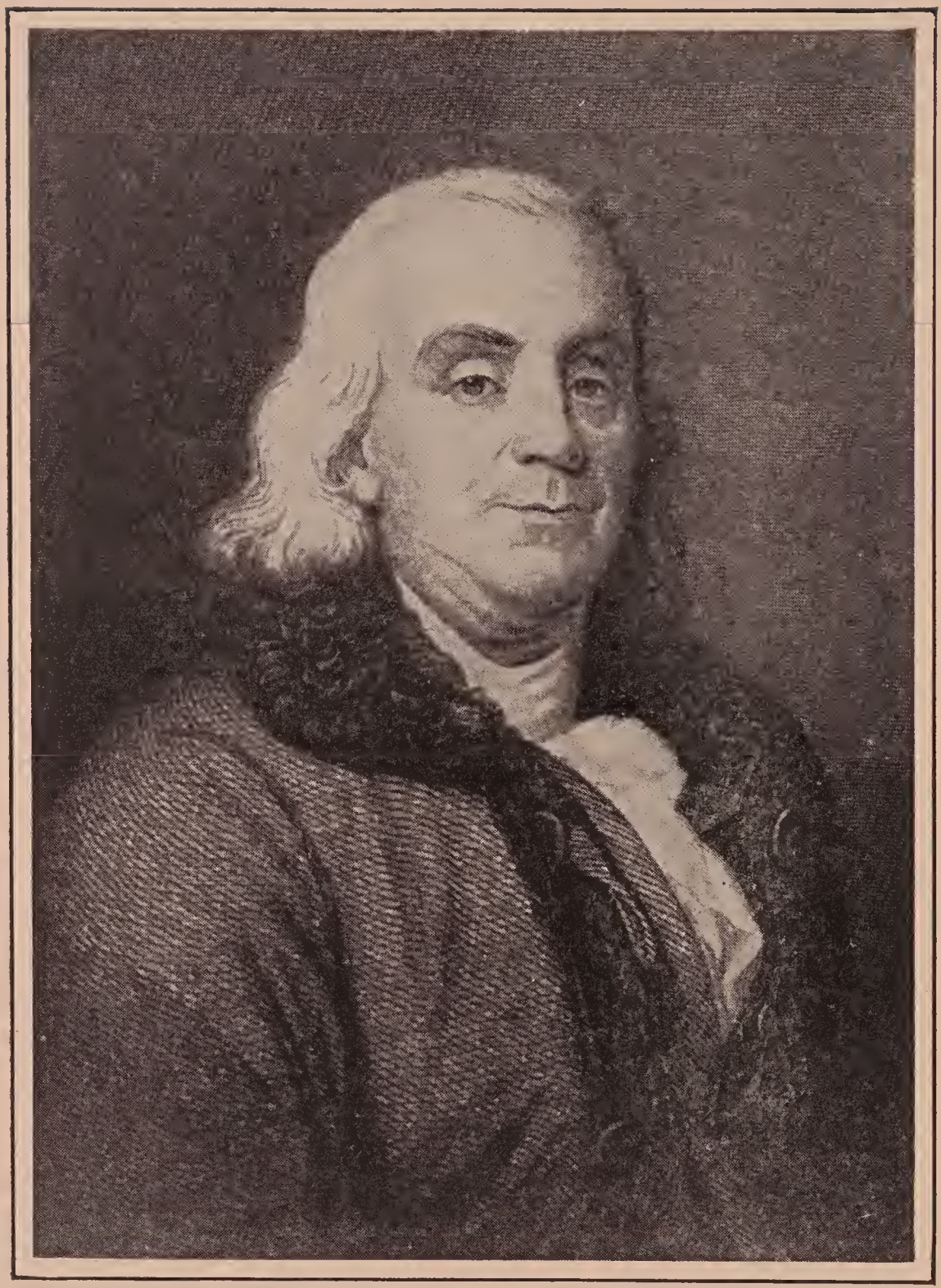
"Samuel Chase, who later became a Justice of the Supreme Court, successfully defended himself against an impeachment trial, the first and only one that has ever been attempted against a member of that body."

"The only banker was Robert Morris, who largely financed the Revolutionary War, bankrupted himself in his devotion to his country, and died penniless."

"There were a few great landowners in the body but very few. Among them was George Mason, who owned an estate of twelve thousand acres on the Potomac River eight miles below Washington's home, Mount Vernon. In his personal characteristics he was perhaps the greatest aristocrat in the body; always dressed in silk with ruffles of the finest lace and was in every respect in his personal habits an English country gentleman. His home, Gunstun Hall, was built of brick imported from Holland and was at the time one of the three or four finest houses in Virginia. He owned a thousand slaves but was opposed to slavery. He wrote the Virginia Bill of Rights and fought throughout the convention for the rights and privileges of the individual. He re-

fused to sign the Constitution, and despite his devotion to Washington bitterly opposed its ratification in the Virginia Ratification Convention because he feared what he thought was the aristocratic tendency of the Constitution and too much power in the Federal Government. Not even Washington's influence could overcome his bitter prejudice against anything that savored of aristocratic government. The two Pinckneys of South Carolina belonged also to the land-holding class but were ardently for a Democratic form of government."

"Aside from Washington, Franklin was the most conspicuous figure in the Convention, then past eighty, physically feeble but with his wonderful intellect unimpaired. He was the most widely known man in the colonies. Every one knows his story, how he landed in Philadelphia with two pence in his pocket, became a publisher in a small way, founded a newspaper, became Postmaster General of the colonies under the British government, and gave them the first real postal service they had ever had. He was intensely interested in scientific pursuits, corresponding on intimate terms with the greatest scientists of his day, and was known throughout the civilized world for his scientific discoveries. He was sent as our Ambassador to France during the Revolution and became the fashion in Paris. He was invited everywhere, charmed every one with his wit and philosophy, and it was undoubtedly owing to him that the French aid in money, troops, and ships was granted to the



Benjamin Franklin

colonies, which enabled us to win the war. At the very close of the Constitutional Convention, when the draft of the Constitution had been agreed upon and was about to be signed, he made a brief speech. On the back of the chair of the presiding officer where Washington sat as President was carved a representation of the sun and its rays. He said that often during their deliberations he had noted this carving and wondered whether it portrayed the rising or the setting sun; that now at the conclusion of their labors he was sure that it was the rising sun of a great country—prophetic words. When some of the members hesitated to sign because the document did not in every particular meet their views, he told of a French lady whom he had known in Paris who once said to her sister, 'It is very strange that I always find every one wrong but myself,' and said he had learned in his long life that he frequently found himself mistaken in things about which he was the most sure, that he had come to believe that after all the will of the majority was nearly always right. His speech brought assent from many who had before refused to sign; and throughout the deliberations of the Convention his unfailing good humor, that could always tranquilize any tumult with a witty remark, his unfailing wisdom, his common sense always exercised at the right moment, made the Constitution possible."

"Of course the commanding figure was General Washington, of whom no satisfactory life history

has ever been written. The years that have passed since his death have changed his image and likeness into a sort of steel engraving without anything human about it. Starting with the ridiculous fable of the cherry tree, fabricated by a fiddling, hard-drinking Virginia parson, myths have clustered about his memory until it is hard to find the real Washington. He, too, like nine out of ten of the members of the Convention, was self-made. The death of his father when he was twelve years old compelled him to leave school at the age of sixteen and go to work as a surveyor and after that his learning was in the rough school of active life. He excelled in all athletic sports, was the champion broad jumper of Virginia in his youth, and an unexcelled horseman who knew woodcraft better than he knew books. He inherited from his brother the estate of Mount Vernon which he increased till he owned about five thousand acres. He was the most progressive farmer in Virginia. He noted how the growing of tobacco was exhausting the fertile lands of Virginia and inaugurated what is known as the five-field system, a rotation of crops with clover to rest and fertilize the soil, raising tobacco only once in five years on each field. He was the first Virginian to send a shipload of wheat to France. He was the first man in America to recognize the value of the mule and to use them on his estate."

"During all his cares as General in Chief of the American Army and later as President, he exercised the closest watchfulness over his estate, directing

his overseer what should be grown on each field, how many barrels of herring should be put up and how many hogs killed for winter use on his farm. When he was elected President, he declined to receive any salary as he had declined any salary as General in Chief, accepting only his actual expenses. For that purpose during his first year as President he kept an accurate account of his living expenses, including the salary of two secretaries whom he employed. There are copies of this account showing every penny expended for living expenses, such as food and drink, wages, rent—all carried out to the last penny. At the end of the year his expenses had been about five thousand pounds English money or about twenty-five thousand dollars in our currency, and it was from this that the salary of our President was fixed at twenty-five thousand dollars. By his care and thrift he accumulated what at the time of his death was the largest fortune in America, valued at $700,000, a sum equal at this time to three or four millions. So far from being the cold, chilly character that we are accustomed to regard, he was intensely human, warm-blooded with a violent temper which he learned to control, but whose infrequent outburst brought abject terror to the objects of his anger. Those who knew him best felt a kind of idolatry for him that never in the least affected his natural simplicity of character. He was the only commander of an army that could lose every battle and yet win a campaign. Leading armies never paid, half clothed, half fed, in the long run he out-

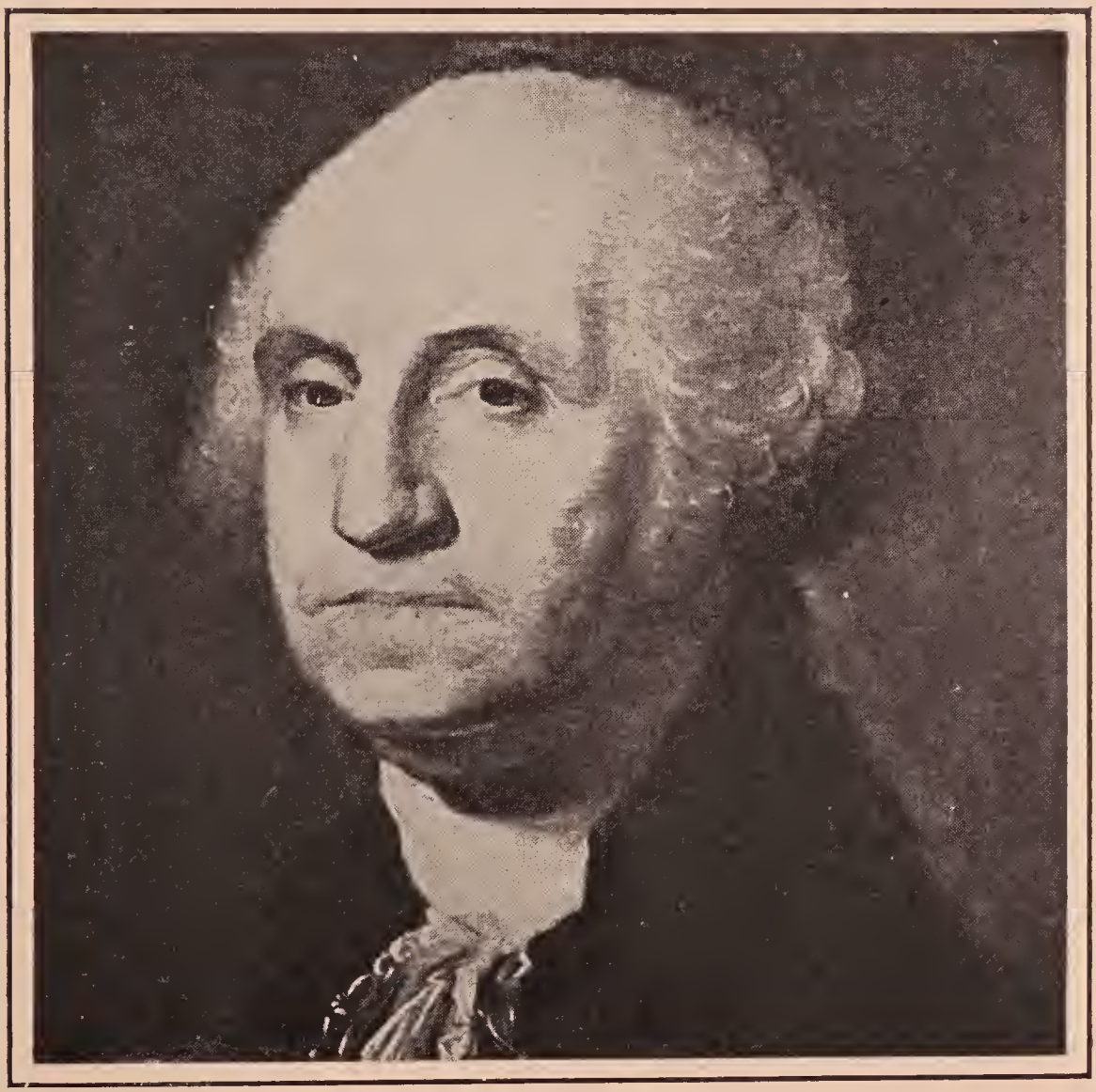
generaled and defeated the best soldiers and generals that Great Britain could bring to the field. No other man but Washington could have held an equal balance between the rival factions and with the unlimited confidence of all classes carry the infant Republic through its first years and set it upon that course which it has followed with such success. With such capable leaders the convention was well equipped for its labors." [1] With the exception of Connecticut, all the states represented had recently had experience in making new constitutions. Of the fifty-five delegates who sat in the convention eighteen were then members of the Continental Congress, while twenty-five others had previously served in that body; eight were signers of the Declaration of Independence; and one had been a member of the Albany Convention. All were men of character and ability, while many of them had rendered such distinguished public service as to make their names conspicuous in the annals of colonial history. Probably no abler group of men ever assembled for so important a duty.

Different Plans Proposed.

When the convention met, all were well aware of the defects of the Articles of Confederation, but differed widely as to the extent of revising them. All agreed, however, that the national government ought to consist of three departments—a legislature (law making), an executive (law enforcing), and a

[1] From "The Story of the Constitution," by F. Dumont Smith. Courtesy of the Committee on American Citizenship of the American Bar Association.

judiciary (law interpreting). Several plans were presented for consideration, the most important of which were (1) the Virginia Plan and (2) the New Jersey Plan.



GEORGE WASHINGTON

The Virginia Plan

An outline of an entirely new constitution, drawn up by James Madison and presented by the Virginia delegates, was known as the Virginia Plan. Among other things it proposed the division of

Congress into two houses—a Senate and a House of Representatives—and that representation in each house should be based on the wealth or the population of the states. The people were to choose the members of the House of Representatives, and the members of the House were to elect the members of the Senate. This plan was favored by the larger states.

The New Jersey Plan.

In behalf of the smaller states the chairman of the New Jersey delegation presented a plan which was little more than a mere revision of the Articles of Confederation, and which gave all states equal representation in Congress.

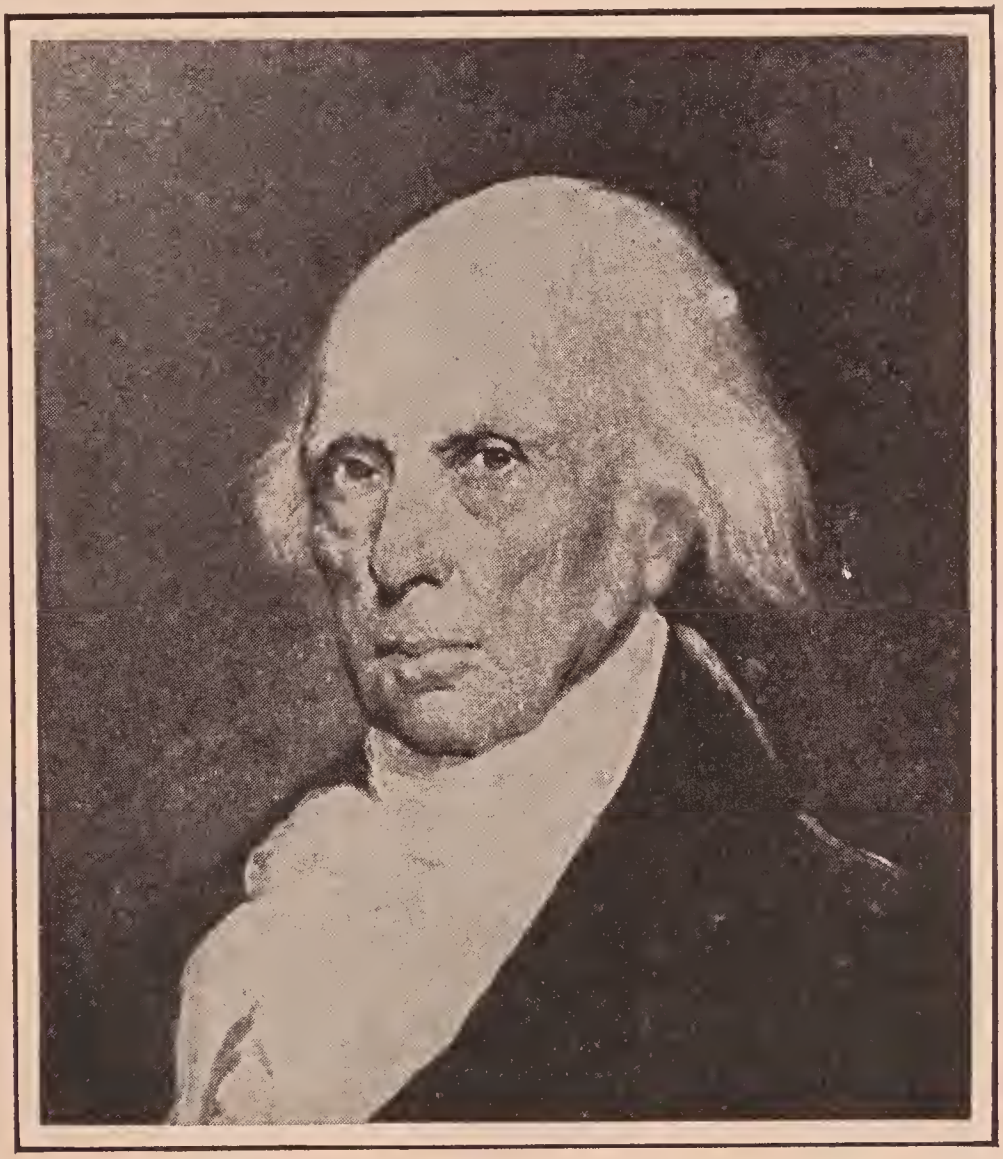
Decision to Draft a New Constitution.

Feeling that a mere revision of the articles would be worthless, the convention, in spite of the fact that it was authorized only to amend the articles, finally decided to draft an entirely new form of government, and selected the Virginia Plan as the basis of its work. The decision to draft a new constitution was brought about largely through the influence of Washington, who urged the delegates not to be content merely to make such changes in the Articles as they believed would meet with popular favor, but to exert all their energies toward drafting a form of government in which they themselves would have confidence, even though it might not meet the approval of the people.

Three Great Compromises.

The jealousies of the states led to violent and stormy disputes, and more than once it seemed as though the convention would have to end its labors without success. But the wise judgment and un-

impeachable honesty of Washington, the sound common sense and ready wit of Franklin, and the broad scholarship and able statesmanship of Madison, served to hold the convention to its work, and to the efforts of these men the formation and



JAMES MADISON

adoption of the Constitution was largely due. Upon three points there was great diversity of opinion, and upon each a compromise was necessary before agreement was reached.

In Regard to Representation.

The discussion of the question of representation in Congress divided the convention into large states and small states—the former desiring representation on the basis of population, while the latter contended for equal representation as under the Articles of Confederation. Both sides were firm, but finally agreed to the suggestion of the Connecticut delegates that the states have equal representation in the Senate (Const. Art. I, Sect. 3, Cl. 1-8), and representation according to population in the House of Representatives (Const. Art. I, Sect. 2, Cl. 3-5).

In Determining Population.

On the question as to whether the slaves should be counted as population in determining the number to be apportioned for each representative in the House, the convention was divided into slave states and free states. The former wished to have the slaves counted in determining representation, but not for purposes of taxation. The latter contended that the slaves should not be counted for either purpose; but that if counted they should be reckoned for determining taxation as well as for determining representation, since it was the cardinal principle of the Revolution that taxation and representation are inseparable. Finally, on the suggestion of Madison that the labor of five slaves would probably be equal to the labor of three free persons, it was agreed that five slaves should be reckoned as three free persons, in the apportionment of representatives in the lower branch of Congress and in levying direct taxes. (Const. Art. I,

Sect. 2, Cl. 3.) This agreement virtually made each owner of one hundred slaves equal in political power to sixty free persons.

The Control of Commerce and the Importation of Slaves.

On the question of the control of commerce Massachusetts, Connecticut, and New Hampshire were arrayed against South Carolina and Georgia. As the three New England states wished the Federal Government to regulate commerce, and as the two southern states felt it necessary to import negroes for the exhausting labor of cultivating rice and indigo, it was finally agreed that Congress should have absolute control of commerce, both foreign and domestic (Const. Art. I, Sect. 8, Cl. 3), but that the importation of slaves should not be prohibited prior to the year 1808 (Const. Art. I, Sect. 9, Cl. 1). It was also agreed that no tax should ever be laid on exports (Const. Art. I, Sect. 9, Cl. 5).

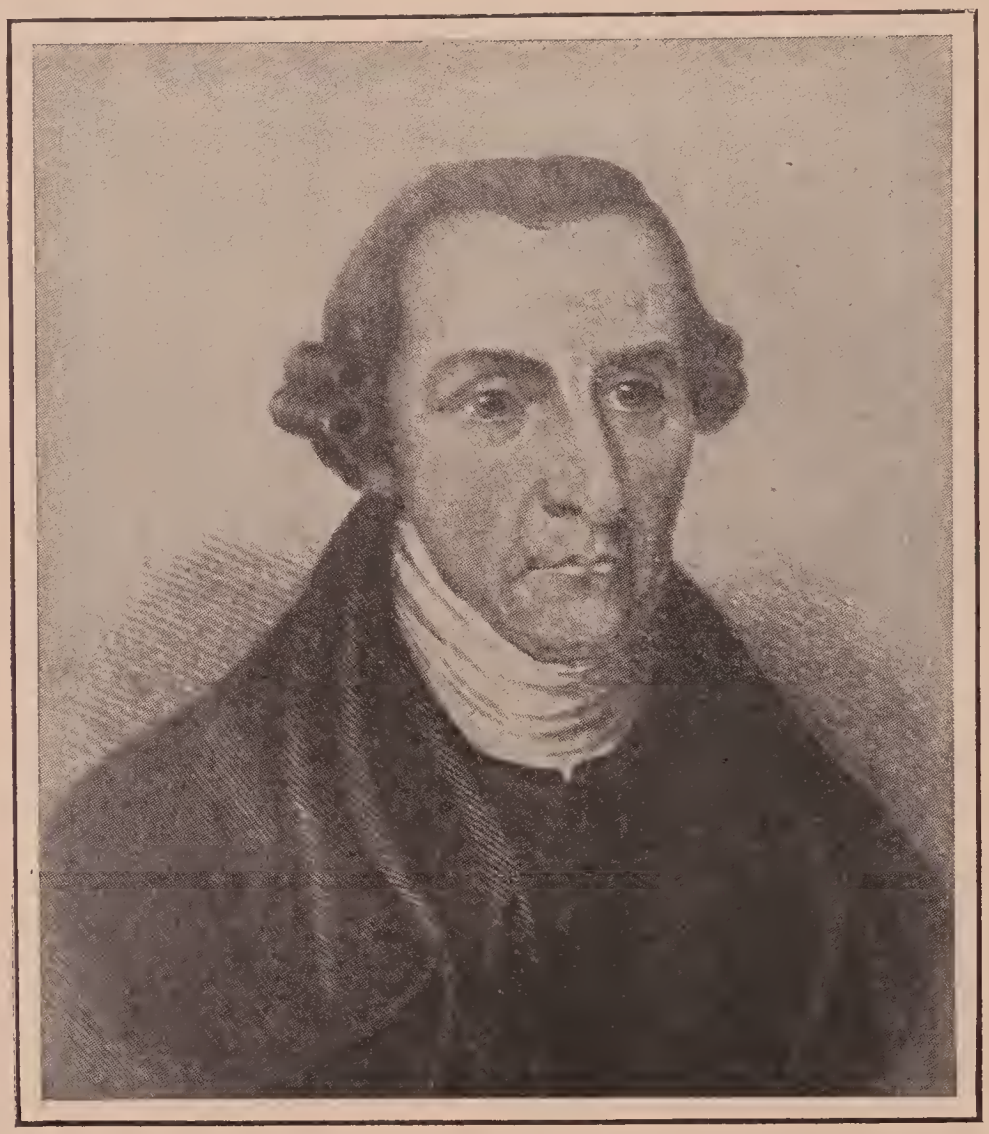
The Work Completed.

The number of delegates chosen to the Federal Convention was sixty-five, but only fifty-five attended. Thirteen left for home before the convention finished its work; three refused to sign the report; thirty-nine attached their signatures to the complete document. On the seventeenth of October, 1787, the convention came to an end and reported the result of its labors to Congress. Congress received the report of the committee and referred the proposed Constitution to conventions of the several states called for the special purpose of considering the new form of government.

Ratification.

A thorough, earnest, and oftentimes bitter discussion of the proposed Constitution followed its

submission to the states. Probably the greatest influence in its behalf was a series of remarkable papers, now collectively known as the *Federalist*, written by Hamilton, Madison, and Jay, explaining



HENRY CLAY

and defending the new form of government. The requisite number of states having given their approval by the summer of 1788, the Continental Congress declared the Constitution adopted, and appointed the first Wednesday in March, 1789, as

the day for the assembling of the first Congress. On account of various delays it was not until April 30 that George Washington was inaugurated the first President of the United States of America.

DANIEL WEBSTER

"The convention had been in session 81 continuous days. Probably they had consumed over 400 hours in debate. If their debates had been fully reported, they would probably have filled at least fifty volumes, and yet the net result of their

labors consisted of about 4000 words, 89 sentences, and about 140 distinct provisions." As the late Lord Bryce said, "History knows few instruments which in so few words lay down equally momentous rules on a vast range of matters of highest importance and complexity."

Justice Harlan describes this as "the wisest assemblage of public servants that ever convened in the history of the world," and of their accomplishment Gladstone, the great English statesman, said: "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

RATIFICATION OF THE CONSTITUTION

States	*Date of Ratifying*	*Number of Votes In favor*	*Against*
Delaware	Dec. 7, 1787	All	
Pennsylvania	Dec. 12, 1787	46	23
New Jersey	Dec. 18, 1787	All	
Georgia	Jan. 2, 1788	All	
Connecticut	Jan. 9, 1788	128	40
Massachusetts	Feb. 6, 1788	187	168
Maryland	Apr. 28, 1788	63	11
South Carolina	May 23, 1788	149	73
New Hampshire	June 21, 1788	57	46
Virginia	June 25, 1788	89	79
New York	July 26, 1788	30	27
North Carolina	Nov. 21, 1789	193	75
Rhode Island	May 29, 1790	34	32

The Adoption of the Constitution Really a Revolution.

Article XIII of the Articles of Confederation provided that the union created thereby should be perpetual, and that no alteration should be made at any time without the consent of every state. The adoption of the Constitution by nine states was, therefore, an act of secession from the union created by the Articles of Confederation, and was in effect

a revolution. Though bloodless, it was as truly a revolution as was the struggle with England by which the colonies gained independence. Changed circumstances and conditions demanded new methods of government, and as men became more intelligent and enlightened in regard to political affairs those constitutions and laws which failed to meet adequately the needs of the time had to give way to other and more progressive forms of government which met the approval of the governed.

THE CONSTITUTION

Main Features.

The main features of the Constitution are as follows:

(1) *A PREAMBLE,* or introduction which is really the enacting clause, telling why and by whom the Constitution is adopted.

Who *"We the people of the United States*

Why { *in order to*
(1) *form a more perfect union,*
(2) *establish justice,*
(3) *insure domestic tranquillity,*
(4) *provide for the common defence,*
(5) *promote the general welfare, and*
(6) *secure the blessings of liberty to ourselves and our posterity,*

What { *do ordain and establish this Constitution for the United States of America."*

(2) *THE THREE DEPARTMENTS OF GOVERNMENT.*

Legislative.

The Legislative Department, whose duty is to make the laws. This department consists of a Congress composed of:

(*a*) *A Senate,* which represents the states, and in which each state has an equal vote.

(*b*) *A House of Representatives,* which represents the people, and in which representation is based on population.

Executive.

(*c*) *The Executive Department,* consisting of a President, whose duty is to enforce the laws.

Judicial.

(*d*) *The Judicial Department,* consisting of a Supreme Court and inferior courts, whose duty is to interpret the laws.

A Peculiarity of our Government.

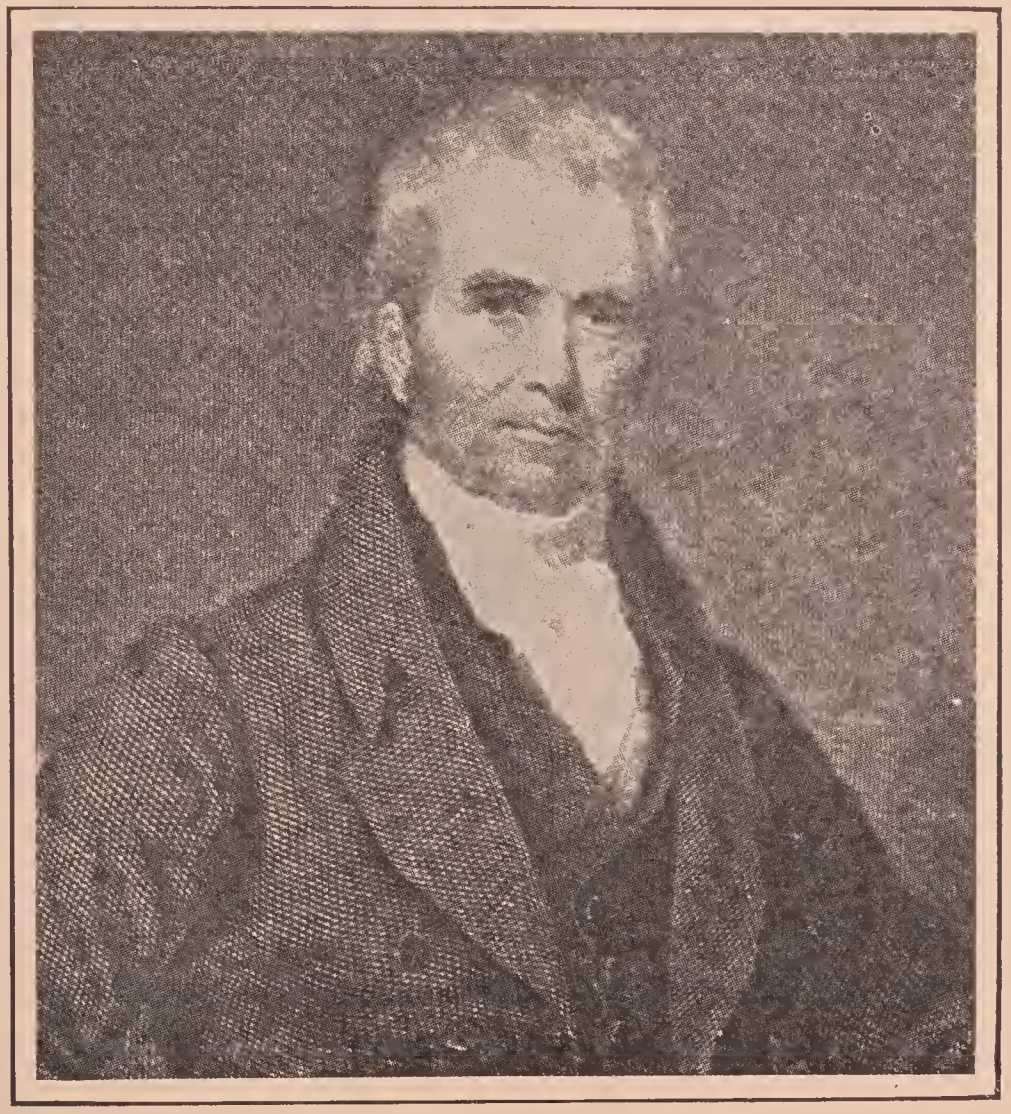
Our government differs from all other governments in that the Supreme Court has the power to decide whether the laws enacted by Congress or the state legislatures are in harmony with the Constitution. A law declared unconstitutional by this court becomes inoperative or dead.

The great Chief Justice of the Supreme Court who defined and established its scope was John Marshall. In the thirty-five years that he presided over its deliberations, he did much for the establishment of the new government by his just and wise decisions, which so truly interpreted the Constitution in the spirit in which it was founded. His name holds equal rank with those of Washington, Franklin, Madison, Hamilton, and Jefferson in the making of the new nation.

Permanency of the Constitution.

The Constitution is the mere skeleton or framework of our government. The amendments, the laws enacted by Congress, the treaties with foreign powers, which by the Constitution are a part of the supreme law of the land, and the decisions of the

Supreme Court, have served to expand and interpret it, and to make it a living organism. The wisdom and foresight of the framers of the Constitution are seen in the fact that thus far the Constitution has remained the fundamental law of the land.



JOHN MARSHALL

Throughout all these years it has proved itself "adequate to the exigencies of the Union," has readily adapted itself to the changing conditions of our national growth, and has been respected and revered by all persons irrespective of party.

A Group of Men Famous under the Constitution.

Give a brief sketch of the life, character, and public services of each man named.

James Madison—"The Father of the Constitution."

Alexander Hamilton—"The Great Federalist."

John Marshall—"The Great Jurist."

Thomas Jefferson—"The True Democrat."

Daniel Webster—"The Defender of the Constitution."

John C. Calhoun and the Doctrine of Nullification.

Henry Clay—"The Great Peacemaker."

Stephen A. Douglas and the Doctrine of Popular Sovereignty.

Abraham Lincoln—"The Great Emancipator."

THE ORDINANCE OF 1787

The Northwest Territory.

Second only in importance to the drawing up of the Constitution was the act of the Continental Congress in formulating the Ordinance of 1787. In consequence of the "sea to sea" and other clauses in their charters and grants, the territory lying northwest of the Ohio River was claimed by the states of Massachusetts, Connecticut, and Virginia, while New York also claimed a portion of this territory by virtue of treaties with the Indians. At the time of the adoption of the Articles of Confederation the smaller colonies whose limits were quite definitely fixed, felt that the colonies claiming this vast territory should surrender all unsettled portions of their claims to the general government. Maryland, in fact, refused to ratify the Articles until these cessions were made. These four states

finally transferred to the government all their interest in this territory covering over three hundred thousand square miles.

Importance of Cession to the General Government.

The action of the states in ceding to the general government all their claims to the northwest territory was important at the time for two reasons:

(1) It was thought that this would give the government a source of revenue in the sale of land to settlers. (Records show, however, the government never realized any revenue in this way from this territory.)

(2) The fact that the northwest territory was the property of the national government, and that each state thus had an interest in this land, was undoubtedly a strong influence in holding the states together at the time of the adoption of the Constitution.

Provisions of the Ordinance.

Although the Congress had no authority to take such action, it enacted the now famous ordinance of 1787, which has since been a model for the government of our territories. This ordinance organized a government for the territory bounded by the Ohio River, the Mississippi River, and the Great Lakes. It provided that whenever a section contained sixty thousand people it might be organized into a state, and that no less than three nor more than five states should be formed from the tract. Provision was made for civil liberty and free schools, and absolute freedom of faith and worship was guaranteed. Slavery was prohibited, but it was provided that slaves escaping from other states into

this territory should be returned to their masters. Strange as it may seem, the clause prohibiting slavery in this territory received the approval of the delegates of every state.

Questions

To the Pupil:

1. Memorize the Preamble, or Enacting Clause, of the Constitution.
2. Mention the places in the Constitution proper or in the Amendments where specific reference is made to any of the six great rights claimed by the English colonists in America.
3. Under what circumstances was the Constitutional Convention called?
4. Why was the Constitution of the United States necessary?
5. Why did the Constitutional Convention hold secret sessions?
6. Discuss some of the prominent men in the convention and mention the characteristics of each that you most admire and that seemed to fit him for his particular part in the convention.
7. Why did the convention abandon the original idea of amending the Articles of Confederation?
8. What questions provoked the most argument? Tell how each was settled.
9. How did the makers improve on the articles of Confederation?
10. Why is it necessary to have a written Constitution?
11. What is remarkable about the fact that the Constitution with the exception of the amendments has remained unchanged, and even with the amendments consists of less than seven thousand words? Compare this remarkable record with that of your state constitution.
12. The Constitution provided "a more perfect union" by establishing a Congress consisting of the Senate and

the House of Representatives, its members elected by the people. Referring to the six aims set forth in the Preamble, give in a similar manner one example of how the Constitution provided for each aim.

13. After studying the outline of the Three Departments of Government show how they check and balance.
14. Consult the Table on the Ratification of the Constitution and list the states where the vote for ratification was close, also those where the vote was unanimous, and see if you can account for such action.
15. Why was the Ordinance of 1787 such an important document?
16. What would have happened if the four states had refused to transfer this territory to the government?
17. How has the foresight used in preparing this document benefitted the states which now comprise this territory?

Things to Do:

1. Write a timely newspaper article for publication during the period the Constitutional Convention was in session.
2. Suppose you spent an hour in the Constitutional Convention and were entitled to tell what happened there. On your return give the class the benefit of your impressions.
3. As a member of the Convention prepare a convincing argument for ratification to be used in a state where it was doubtful that the state convention would ratify.
4. Organize the class into a Constitutional Convention electing George Washington (teacher) as Chairman and James Madison (pupil) as Secretary. Appoint a committee on rules the report of which should be adopted. Decide on topics for discussion such as the "Virginia Plan" or "term of President"; and using Madison's "Journal of the Constitutional Convention," assign pupils to represent real members of the Convention. The chairman can limit the debate and economize the time of the pupils by making definite page assignments.

5. In order to explain the Constitution to the people a series of papers were written by Hamilton and Madison. This collection called the *Federalist* can be used as a basis of group discussion on the Ratification of the Constitution.
6. The "Hall of Fame for Great Americans" was established at New York University in 1900. These honored people are listed under fifteen headings, and new names are added every five years. The requirements to receive this honor are interesting.
   (*a*) Of the men listed with the group of men famous under the Constitution seven are now members. Give the classification of each and tell why his name was so honored.
   (*b*) Make a list and classify the men mentioned in this chapter who have been so honored.
   (*c*) Why are the men and women who became famous recently not elected to membership? Justify this requirement.

CHAPTER SIX

A SUMMARY OF THE CONSTITUTION
THE LEGISLATIVE DEPARTMENT

Congress.

Each branch of Congress—the Senate and the House of Representatives—has equal power in making laws. Congress meets in regular session on the first Monday in December in each year. Neither senators nor representatives can hold any other office under the United States during their terms as members of Congress. To prevent the forcible detention of members from attending to their duties, members are exempt from arrest in all cases except treason, felony, or breach of the peace, during their attendance at the sessions of Congress, and in going to and returning from the same. To secure absolute freedom of discussion, members cannot elsewhere be held to account for anything said in debate in Congress. Each house is the sole judge of the elections, returns, and qualifications of its own members.

Some of the Powers of Congress.

Congress has power:

(1) To levy and collect taxes,
(2) To borrow money,
(3) To regulate commerce,
(4) To naturalize foreigners,
(5) To coin money,
(6) To fix standards of weights and measures,

(7) To establish post-offices,
(8) To grant copyrights and patents,
(9) To establish courts inferior to the Supreme Court,
(10) To punish piracy,
(11) To declare war,
(12) To raise and maintain an army,
(13) To provide and maintain a navy,
(14) To create new states.

Some of the Powers Denied to Congress.

Congress is forbidden:

(1) To suspend the privilege of the writ of habeas corpus [1] in time of peace,
(2) To pass any bill of attainder,[2]
(3) To pass any *ex post facto* law,[3]
(4) To levy any tax on articles exported from any state,
(5) To give preference to any state in shipping regulations.
(6) To draw money from the treasury except in accordance with law.
(7) To grant any title of nobility.

Some of the Powers Denied to the States.

The several states are forbidden:

(1) To enter into any treaty, alliance, or confederation with each other or with any foreign power,
(2) To grant letters of marque and reprisal,
(3) To coin money,
(4) To emit bills of credit,
(5) To make anything but gold and silver coin a tender in payment of debts.

[1] See pages 52, 168.
[2] See page 169.
[3] See page 169.

(6) To grant any title of nobility,
(7) To pass any bill of attainder,
(8) To pass any *ex post facto* law,
(9) To pass any law impairing the obligation of contracts,
(10) To levy any tax on exports.

How Laws Are Made.

A bill may be proposed by members of either branch of Congress. It is then referred to some one of the various committees for investigation. If, after due consideration, it is approved by a majority of the committee, it is reported to the members for action. There are then three ways in which a bill may be enacted into a law:

(1) When passed by both houses of Congress and signed by the President.
(2) When passed by both houses of Congress, vetoed by the President, and re-passed by a two-thirds vote of each house.
(3) When passed by both houses of Congress and retained by the President ten days (Sundays excepted) without being signed by him, provided Congress still remains in session.

By this system of checks on legislation the possibility of passing unsatisfactory laws is greatly reduced.

THE SENATE

Membership.

The Senate represents the states, and consists of two members from each state. Each senator has a vote in Congress. Senators are elected directly by the people of the various states for terms of six years each, and are so classified that the terms of

only one-third of them expire every two years. This classification insures a membership of experienced legislators, and has the effect of making the Senate a continuous or permanent body.

Qualifications. The qualifications required of a senator are three:

(1) He must be at least thirty years of age,
(2) He must have been for nine years a citizen of the United States.
(3) He must be, when elected, an inhabitant of the state from which he is chosen.

Officers. The Vice President is the presiding officer of the Senate. He is entitled to a vote only in case of a tie. The Senate elects from its own number a President *pro tempore* to preside during the absence of the Vice President. The Senate elects all its own officers except its President, unless the electoral college fails to elect, in which case it chooses the Vice President.

Powers. While the Senate is chiefly a legislative body, it also exercises executive and judicial functions. It exercises:

(1) Executive Functions
  (*a*) In confirming the President's appointments of Cabinet officers, judges, post-masters, ministers to foreign powers, etc., and
  (*b*) In assisting the President in making treaties with foreign powers.
(2) Judicial Functions
  (*a*) In judging of the qualifications and elections of its members, and
  (*b*) In acting as a court in cases of impeachment.

THE HOUSE OF REPRESENTATIVES

How Elected.

The House of Representatives represents the people of the United States, and its members are chosen directly by the people of the various states every two years. In such elections all are permitted to vote who are qualified by state laws to vote for members of the lower branch of their state legislature. The right of suffrage is not a natural right, but is a gift of the state, and each state bestows this privilege on such persons as it deems qualified to exercise it, subject to the provisions of the Fifteenth Amendment to the Constitution that "the right of suffrage shall not be denied or abridged to any person on account of race, color, or previous condition of servitude," and the nineteenth amendment provides that citizens of the United States shall not be denied the privilege of voting by the United States or by any state on account of sex.

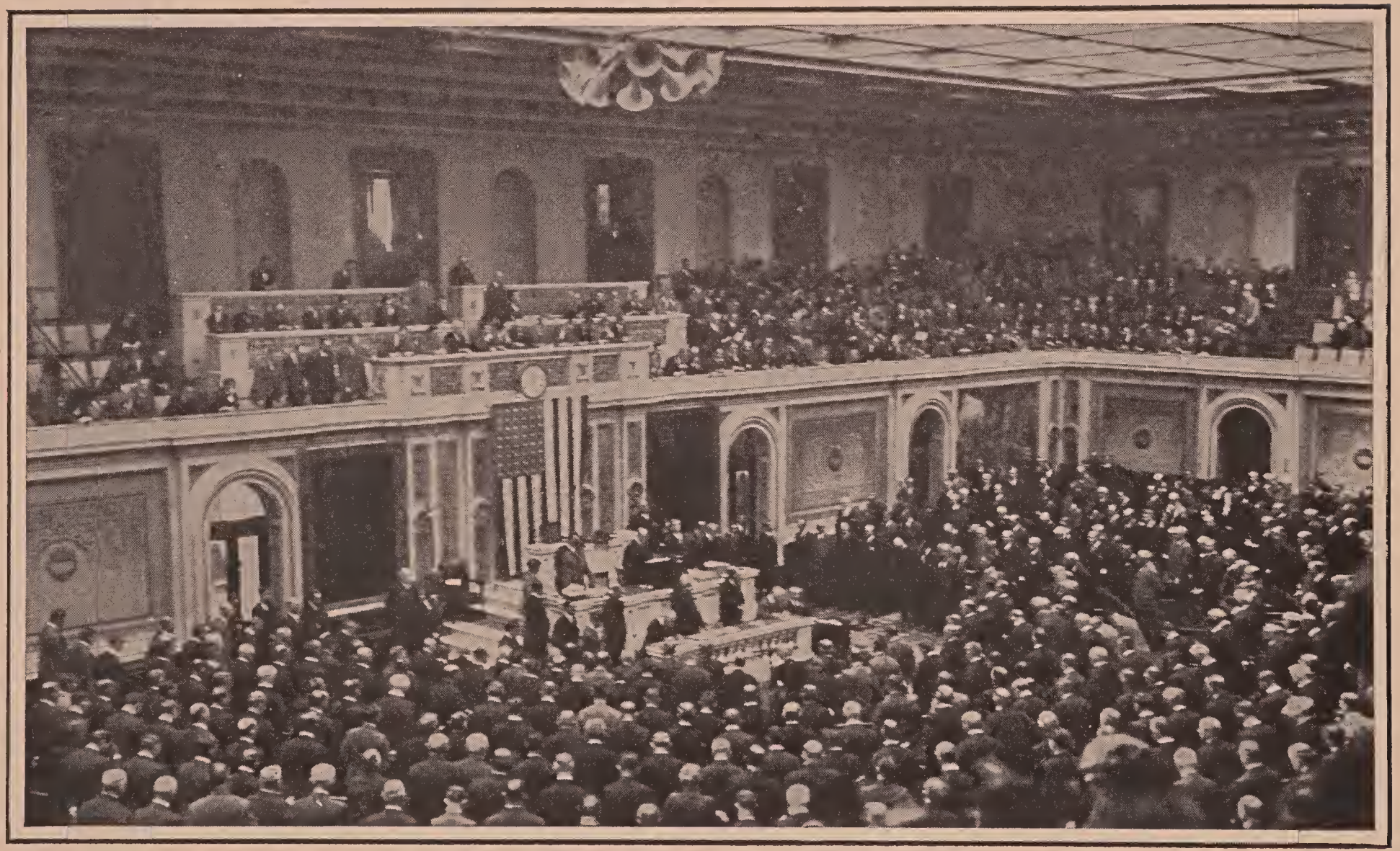
Qualifications.

A member of the House must possess these qualifications:

(1) A representative must be at least twenty-five years of age.
(2) A representative must have been for seven years a citizen of the United States.
(3) A representative must be, when elected, an inhabitant of that state in which he is chosen.

Membership.

The number of members of the House of Representatives is determined by Congress. Every ten years a census is taken to ascertain the population of the country, and as soon as possible thereafter



House of Representatives. 68th Congress

Congress enacts a law regulating the size of the House, dividing the population by this number and apportioning the representatives among the various states. Each state then divides its territory into districts which Congress insists must each be compact, contiguous, and of population nearly equal to each of the others which elect a representative. To save re-districting, state representatives may be elected at large.[1] Every state, however, is entitled to one representative, even though its population is less than the number required to form a congressional district; otherwise, the people in some of the smaller states would not be represented in the lower branch of Congress. The forty-eight states have at the present time four hundred thirty-five representatives. Each territory is entitled to one representative, who enjoys all the rights of members except that of voting.

Ratio of Representation.

The Constitution provides that the ratio of representation shall not exceed one representative to every thirty thousand people. Were the basis of representation to-day as it was after the first census, the House would consist of over three thousand members, a number far too large for the transaction of business. To keep the number within reasonable limits, the ratio of representation has been changed by an apportionment act after each census. The present apportionment is on the basis of the 1910 census. Since taking the 1920 census several un-

[1] "At large" means from the entire state. Every voter in the state is entitled to vote for a member at large.

successful efforts have been made to increase the number of members above 435. Objections were based on the fact that a larger number would make the body unwieldy and cumbersome, and each additional member would increase the expense of government.

The following table shows how the ratio of representation has changed at each decade, the number of population to a representative being given to the nearest thousand only.

RATIO OF REPRESENTATION AT EACH DECADE

Population (to the nearest million)	*Representation based on*	*Date*	*One Representative to every*	*Number of Representatives*[1]
	Constitution	1789	30,000	65
4,000,000	First Census	1790	33,000	106
5,000,000	Second Census	1800	33,000	142
7,000,000	Third Census	1810	35,000	186
10,000,000	Fourth Census	1820	40,000	213
13,000,000	Fifth Census	1830	48,000	242
17,000,000	Sixth Census	1840	71,000	232
23,000,000	Seventh Census	1850	93,000	237
31,000,000	Eighth Census	1860	127,000	243
39,000,000	Ninth Census	1870	131,000	293
50,000,000	Tenth Census	1880	152,000	332
63,000,000	Eleventh Census	1890	174,000	354
76,000,000	Twelfth Census	1900	194,000	391
92,000,000	Thirteenth Census	1910	212,000	435
106,000,000	Fourteenth Census	1920		

[1] Includes representatives assigned to states admitted to the Union after apportionment according to census.

The Speaker.

The House chooses its own officers, the most important of whom is the presiding officer, called the Speaker. The Speaker's position until a few years ago was one of vast influence and power.

He appointed all the committees to whom all bills

were referred for consideration. He thus had it in his power to arrange the committees so as to secure the approval or disapproval of measures of any particular class.

He still has a considerable influence on the work of the House since no member has the right to address the House until recognized by the Speaker. By recognizing, or refusing to recognize a member, the Speaker actually determines what business the House considers.

In a body of 435 members it is necessary that a great deal of the business must be done by committees. There are now nearly sixty of these committees, the most important being those on rules, appropriations, ways and means, interstate and foreign commerce, post-offices, military and naval affairs, and agriculture. Since 1910 these committees have been elected by the members according to a complicated plan. The majority party controls the committees.

Exclusive Powers.

Following the colonial theory that taxes can be levied only by authority of the people as voiced through their representatives, the Constitution provides that all bills for raising revenue must originate in the House of Representatives. In addition to this power the House also has exclusive power in:

(1) Judging of the qualifications and elections of its own members.
(2) Electing the President in case the electoral college fails to elect.

(3) Impeaching the President, Vice President, and all other civil officers of the United States for treason, bribery, or other high crimes and misdemeanors.

THE EXECUTIVE DEPARTMENT

The President. Qualifications.

The executive officer of the United States is the President. His term of office is four years.

The qualifications of a President are:

(1) He must be a native-born citizen of the United States.
(2) He must be at least thirty-five years of age.
(3) He must have been for fourteen years a resident of the United States.

How Elected.

It is a peculiarity of our form of government that we do not vote directly for President, but for electors who choose the President. This plan was adopted in the belief that the people themselves would not make a wise selection. The electors are not legally required to vote for a particular person, but they are morally bound to vote for the person for whom their party elects them to vote.

On the first Tuesday after the first Monday in November of every fourth year the voters of each state choose as many presidential electors as it has senators and representatives in Congress. The whole number of electors from the various states now is 531 and constitutes what is called the Electoral College. The electors in each state meet at a place designated by the state legislature, usually the state capitol, on the second Monday of January

WASHINGTON'S INAUGURATION

and cast their ballots for President and Vice President. Three certified copies of the result of the balloting are made; one is then sent to the President of the Senate at Washington by personal messenger; a second by registered mail; and the third is filed for record with the federal court in the district where the electors meet. After this is accomplished the "electoral college" has no further legal existence. On the second Wednesday in February the returns from all the states are opened and counted in the presence of Congress; *i.e.*, the Senate and House of Representatives jointly assembled. The President of the Senate, who is usually the Vice President, is the presiding officer. The person receiving a majority of the whole number of electoral votes is then declared President. In case there is no choice, the House of Representatives then chooses the

President. Balloting is then limited to the three candidates who have received the highest number of electoral votes. The representatives cannot vote individually but as a unit, each state having one vote. A majority of all the states is necessary for a choice. Two Presidents—Thomas Jefferson and John Quincy Adams—have been elected by the House. If no candidate receives a majority vote by March 4, the newly elected Vice President acts as President. If no Vice President has a majority of the electoral vote, the Senate chooses a Vice President from the two highest candidates. A majority vote is also required in this case.

Duties. The President's oath of office requires him to "preserve, protect, and defend the Constitution of the United States." He is invested with large powers, which may be roughly classified as follows:

Executive Powers.

(*a*) To see that the laws are faithfully executed.

(*b*) To appoint officers, judges, postmasters, ministers to foreign powers, etc., subject to the approval of the Senate, and in order that he may have sufficient power to carry out his oath he is made commander-in-chief of the army and the navy.

(*c*) To grant pardons, except in cases of impeachment.

In addition to the foregoing executive powers, the President has certain important legislative powers classified as follows:

Legislative Powers.

(*a*) To advise Congress as to the state of the Union, and to recommend such legislation as he thinks proper.

(*b*) To call extra sessions of Congress when he deems it necessary.
(*c*) To approve or disapprove laws enacted by Congress.
(*d*) To make treaties with foreign powers, subject to the approval of the Senate.

The Vice President.

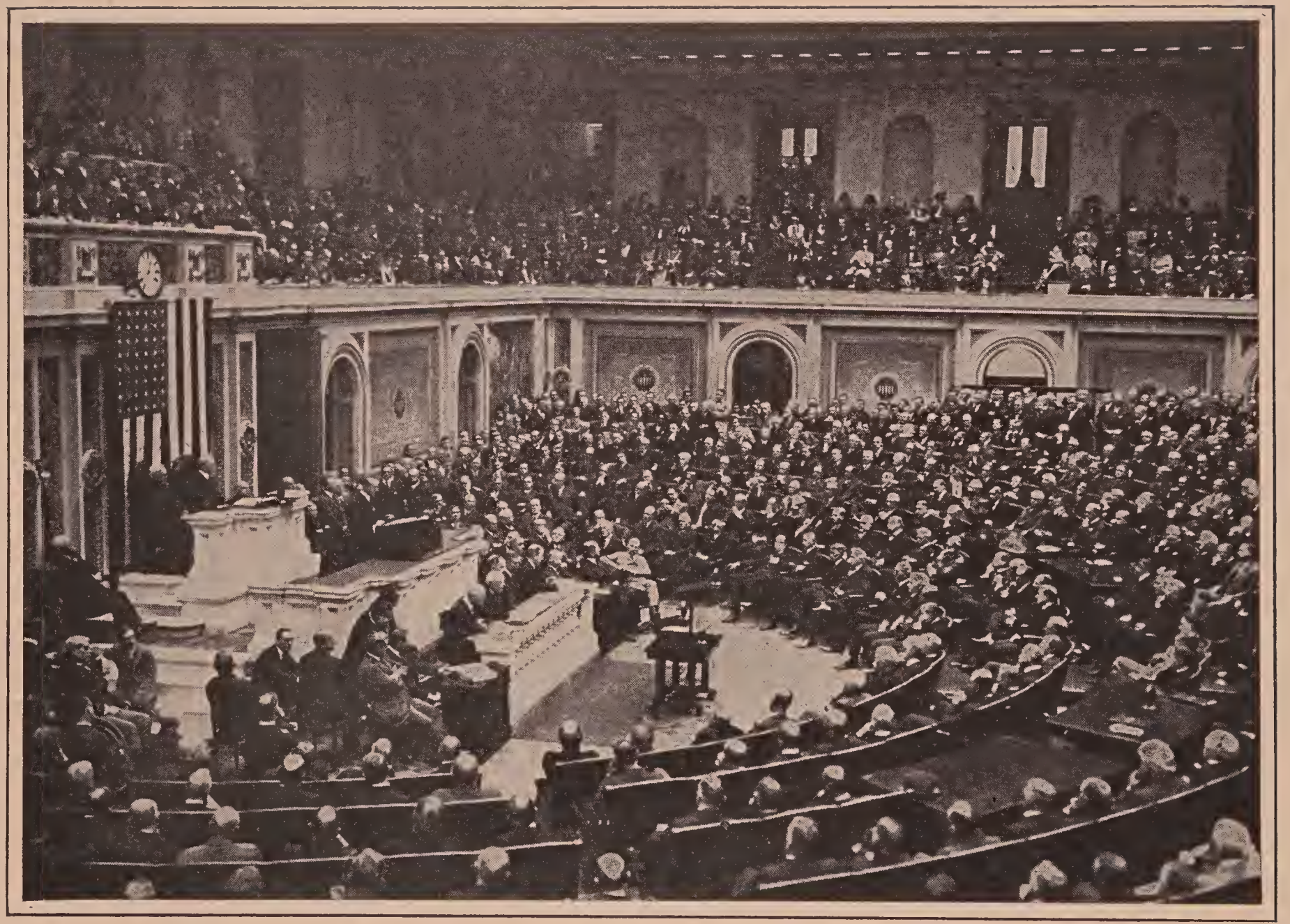
The Vice President must possess the same qualifications as the President, and is elected in the same manner. In case the electoral college fails to choose a Vice President, the Senate has power to elect. The duties of the Vice President are:

(*a*) To preside over the Senate.
(*b*) To succeed to the Presidency in case of a vacancy in that office.

The Cabinet.

The duties of the executive are so many that it is impossible for the President personally to attend to them all. The executive branch, therefore, is divided into ten departments, each having a head selected by the President, subject to confirmation by the Senate. The heads of these departments manage the affairs of their respective departments and act as advisers to the President, although he is not bound by any law to follow their advice. Collectively, they constitute what is called the cabinet. These officers in order of creation are as follows:

(1) *Secretary of State,* who:
Negotiates treaties.
Administers foreign affairs.
Has custody of great documents, treaties, and federal laws.
Keeps and affixes the Great Seal.



PRESIDENT COOLIDGE'S MESSAGE TO CONGRESS

Directs Ambassadors, Ministers, and Consuls.
Issues passports.

(2) *Secretary of Treasury,* who directs:
Finance of the nation.
Collection, safekeeping, disbursement of revenues.
Coining and engraving of money.
Enforcement of Prohibition Law.
Construction of federal buildings.
Coast Guard.
Public Health Service.
Secret Service.
National and Federal Land Banks.
Bureau of the Budget.

(3) *Secretary of War,* who directs:
Personnel and supplies of the army.
Improvement of rivers, harbors, and canals.
Defenses of the nation.
Bureau of Insular Affairs.
Government of Philippines and Porto Rico.
Military Academy at West Point.

(4) *Attorney General,* who is:
Government lawyer.
Legal adviser of the President and Federal Officers.
Government Prosecutor.

(5) *Postmaster General,* who directs:
Postal Service.
Parcel Post.
Postal Savings System.
Money order transmission.

(6) *Secretary of Navy,* who directs:
Material and personnel of the navy.
Construction, armament, and employment of vessels of war.

Protection of American property abroad.
Aircraft Service.
Navy yards, docks, naval Training Stations.
Marine Corps.

(7) *Secretary of Interior,* who directs:
National Parks.
Public Lands.
Pensions of Soldiers.
Indian Affairs.
Patent Office.
Bureau of Mines.
Reclamation Service.
Bureau of Education.
Alaska Railroad.
Geological Survey.

(8) *Secretary of Agriculture,* who directs:
Collection and distribution of information valuable to the agricultural interests.
National Highway Construction.
Forest Service.
Weather Bureau.
Enforcement of Pure Food and Drugs Act.

(9) *Secretary of Commerce,* who directs:
Our commercial interests.
Census Bureau.
Foreign and Domestic Commerce.
Bureau of Standards.

(10) *Secretary of Labor,* who directs:
Welfare of wage earners.
Immigration and Naturalization.
Enforcement of Immigration Laws.
Americanization of Immigrants.
Children's and Woman's Bureau.
Welfare of children and working women.
Mediation in labor troubles and disputes.

PRESIDENTIAL SUCCESSION

When operative.

The Constitution (Art. II, Sect. 1, Cl. 6) provides that in case of the removal, death, resignation, or inability of the President to perform the duties of his office, the Vice President shall succeed to the Presidency. By the same clause Congress is empowered to determine by law what officer shall perform the duties of the Presidency in case of the removal, death, resignation, or inability of both the President and the Vice President.

In 1791 Congress enacted a law providing that the succession should devolve first upon the President *pro tempore* of the Senate, and secondly upon the Speaker of the House.

Order of succession.

The above law was repealed in 1886 and a new one enacted which provides that the succession shall devolve upon the members of the Cabinet in the following order, provided each can comply with the constitutional qualifications demanded of the President: (1) Secretary of State, (2) Secretary of the Treasury, (3) Secretary of War, (4) Attorney General, (5) Postmaster General, (6) Secretary of the Navy, (7) Secretary of the Interior. The law further provides that the person thus succeeding to the Presidency shall hold that office only until the disability of the President shall be removed or a new President shall be elected. On taking office the Acting President must, if Congress is not in session or is not to convene within twenty days, at once call Congress together in extraordinary session.

The order of succession was established by an act of Congress in 1886 and no mention was made of Secretaries of Agriculture, Commerce, and Labor, whose departments had not been organized at that time.

Questions

To the Pupil:

1. Name and give the function of the branches of government which have a voice in making our laws.
2. What special privileges are permitted congressmen which other citizens do not enjoy? Give reasons for such discrimination.
3. What would be the effect of giving Congress unlimited power?
4. Tell how any of the powers granted Congress have been exercised during the last few years.
5. From the list of powers granted to Congress select one and show how it has been and can continue to be the basis of legislation that "promotes the general welfare."
6. From the list of powers forbidden Congress show how removing the restrictions might affect "the general welfare."
7. Show how granting states the powers denied them would affect the United States.
8. Tell the process by which a bill becomes a law.
9. Sometimes a single committee has over one thousand bills referred to it for consideration. How does this affect legislation?
10. What are the advantages of a bicameral or two-body legislature?
11. The makers of the Constitution planned to have the Senate composed of older, more experienced, and better trained men than those in the House. What provisions are made in an effort to realize this aim?
12. Justify the requirement that all bills for raising money originate in the House of Representatives.

13. How many representatives can a state have?
14. How many representatives has your state? Name the one from your district. Name the states that have only one representative.
15. Name and give the political career of the senators from your state.
16. State three powers vested exclusively in Congress.
17. Members of Congress receive many letters and telegrams urging them to vote for or against certain bills. Should a member vote according to his own feelings or according to the desires of the people?
18. What is the distinct purpose of the House of Representatives?
19. Discuss the speaker of the House and the Committee System, naming the present speaker and mentioning his political party.
20. What persons are eligible to become candidates for the Presidency?
21. Give the process of election of a President and a Vice President.
22. Why are the qualifications of a President and Vice President the same?
23. How does the present method of electing a President differ from the original plan?
24. Classify and give the powers of a President.
25. President Harding was the first President to invite a Vice President to meetings of the cabinet. Defend his action.
26. Name five distinguished Senators. Five distinguished members of the House of Representatives. Name the present women members of the Senate or the House.
27. What are reasons for the existence of the Cabinet?
28. Name the present Cabinet officers.
29. On the night that President Lincoln was assassinated an effort was made to assassinate the Vice President, the Secretary of State, and the Secretary of War. If all had been assassinated, what officer would have taken the oath of office as President?

Things to Do:

1. Find and bring to class for discussion any newspaper or magazine articles that refer to Congress exercising any of its powers.
2. Prepare a five-minute paper or talk on any one of the bureaus of the executive department at work. Refer to Haskin's "American Government."
3. Using Bryce's "American Commonwealth," prepare a report on the Senate or the House or the Election of President or why great men are not chosen for President.
4. Referring to the table on ratio of representation by decades, find: (*a*) which ten-year period shows the largest growth in population; (*b*) the least growth in population; (*c*) in which period was the greatest number of people represented by one representative; (*d*) approximately how many times larger is the basis of representation to-day than in 1789; (*e*) how many times larger is the population during the same period; (*f*) and try to account for any periods of extraordinary increases.
5. Debate—*Resolved,* That the method of electing our President should be changed.
6. Make a table similar to the following and fill in the information required to complete it.

	Executive	*Senate*	*House*
Number of Members....	.....	.....	.....
Basis of Representation..	.....	.....	.....
Qualifications	.....	.....	.....
Term of Office.....	.....	.....	.....
Vacancies—how filled....	.....	.....	.....
Sole Powers.....	.....	.....	.....
Title of Presiding Officer.	.....	.....	.....
(*a*) How he is selected...	.....	.....	.....
(*b*) Voting privilege.....	.....	.....	.....

CHAPTER SEVEN

THE JUDICIAL DEPARTMENT

The Supreme Court.

The Supreme Court was established by the Constitution, and its decision in all cases is final. It consists of one chief justice and eight associate justices who are appointed by the President for life or during good behavior.

The real function of the Supreme Court is to interpret the laws. In general, the cases over which the Federal Courts have jurisdiction or the legal right to hear and decide are listed in Section 2 of Article III of the Constitution.

The Supreme Court has "original jurisdiction"; *i.e.,* the right to hear and determine a case in the first instance only when the cases are between states and those in which ambassadors, other public ministers, and consuls are parties. Most of the work, however, is in hearing cases which originate in and are appealed from the inferior courts.

The Supreme Court, contrary to the common belief, does not have full power to nullify laws presumed to be unconstitutional. It can act only when the issue is submitted in a "case" where definite questions are asked disclosing a tangible infringement of the Constitution.

If we consider the procedure in a Supreme Court case briefly, we find that, after arguing a case, the

United States attorney-general or his representative presents a brief to the court to support his contentions that the law in question is in accordance with the Constitution. The attorneys maintaining that the law is unconstitutional after their argument also present a brief to support their contentions. These briefs may be studied by each justice or assigned to a justice who makes a study of the contentions of both sides and also determines whether any previous similar judicial decisions are applicable. When the examination of the case is completed, a conference of the judges is held. If the court is unanimous, the Chief Justice then assigns one member to prepare "the opinion of the court," which is again submitted for criticism to the other judges, and when satisfactory to the majority of the court, it is adopted as the "judgment of the court" before being officially published. If one justice agrees with the decision yet does not agree with the line of reasoning used in determining the judgment of the court, he may prepare what is termed a "concurring opinion." If the court is divided, the minority may file what is termed a "dissenting opinion." Whenever the American people seriously dislike a decision of the Supreme Court, they have recourse to a remedy in the form of an amendment to the Constitution. As a result of the decision in the case of *Chisholm* vs. *Georgia,* the Eleventh Amendment was added to the Constitution, and the Sixteenth Amendment virtually set aside a decision in *Pollock* vs. *Farmers Loan* declaring the Income Tax of 1894 unconstitutional.

Inferior Courts.

The Constitution gives Congress power to create courts inferior to the Supreme Court. The principal inferior courts established by Congress are:

(1) *Circuit Courts of Appeals.* The country is divided into nine circuits, and a court called a Circuit Court established in each, with a Supreme Court Justice assigned to each, assisted by other judges specially appointed as judges of the Circuit Courts. These Circuit Courts were organized to relieve the Supreme Court, especially to hear cases appealed from lower courts.

(2) *District Courts.* Each circuit is subdivided into districts, and a court called a District Court [1] or trial court established in each. There are at present over eighty district courts and approximately one hundred and seventeen district judges.

(3) *Court of Claims.* There is also another court, called the Court of Claims, which is entirely independent of the courts just mentioned. The United States being a sovereign power cannot be sued, and this court is established for the purpose of hearing cases arising on account of salaries, payment for supplies, and listening to the claims against the United States of persons whose property has

[1] The civil jurisdiction in this court, the lowest of all Federal Courts, relates chiefly to admiralty and maritime cases, cases of bankruptcy, those arising under statutes and treaties, between citizens of different states or citizens of a foreign state where the sum or value exceeds $3,000, all crimes or offenses recognized by the federal laws except those punishable by death, postal cases, suits arising under patent, copyright or trademark laws, suits against trusts and monopolies, and those brought by any person to redress the deprivation of any right, privilege, or immunity secured by the Federal Constitution or laws.

been seized and used by the government. The Court of Claims reports the result of its investigations to Congress. Congress then makes such restitution to the claimants as it deems best.

(4) *Court of Customs Appeals.* This court has jurisdiction over claims against the government arising from the administration of the tariff and customs laws.

(5) *Territorial and District of Columbia Courts.* There is a Supreme Court of the District of Columbia, and Supreme District courts are organized in each Territory.

AMENDMENT OF THE CONSTITUTION

Two Methods.

Realizing that the requirement of the unanimous consent of the states to amend the Articles of Confederation practically made their amendment impossible, and feeling that as the nation grew it might be desirable to make some changes in the Constitution, the framers of the Constitution made provision for such changes as follows:

(1) Proposed amendments, approved by a two-thirds vote of both houses of Congress, are sent to the state legislatures or to state conventions for consideration. If ratified by three-fourths of the states, the amendments then become part of the Constitution.

(2) When requested by two-thirds of the state legislatures, Congress is obliged to call a national convention for proposing amendments. If the amendments proposed are ratified by

three-fourths of the states, they become part of the Constitution.

Up to the present time all amendments to the Constitution have been made by the first method.

Amendment by Interpretation.

Without doubt it was the intention of the framers of the Constitution to devise a plan by which the Constitution could be amended with reasonable ease. As a matter of fact, however, the methods provided are very cumbersome in operation, and of the great number of amendments (nearly two thousand in all) that have been proposed at various times, only nineteen have been adopted. While, in theory, the Constitution means exactly the same as it did when adopted, and therefore should be interpreted according to the conditions existing at the time of adoption; yet, in practice, it has become customary to interpret it in the light of present needs. Thus, change by interpretation, rather than by amendment, is, and probably will always remain, the chief method by which modifications are brought about.

The Nineteen Amendments.

Of the nineteen Amendments which have been added to the Constitution since its adoption, the first ten—frequently called a Bill of Rights—were adopted in the early part of Washington's administration in consequence of a widespread feeling that certain rights belonging to individuals were not clearly defined in the Constitution as originally adopted. The eleventh, providing for certain limitations of judicial power, was also adopted in

Washington's administration. The twelfth, changing the method of electing the President and the Vice President, was adopted in Jefferson's administration. In sixty one years from 1804 to 1865, not a single amendment was adopted. The thirteenth, adopted in Johnson's administration, abolished slavery. The fourteenth, also adopted in Johnson's administration, gave the freedmen the right of citizenship, and provided for several contingencies growing out of the Civil War. The fifteenth, adopted in Grant's administration, forbade the denial or abridgment of the right of suffrage to any citizen on account of race, color, or previous condition of servitude. In five years, 1865 to 1870, the three last mentioned amendments were ratified. After an interval of forty-three years with no amendments to the Constitution the sixteenth was adopted in Taft's administration which gave Congress the power to levy and collect taxes on incomes. The seventeenth, also adopted in Taft's administration, provided for the election of senators by the people. The eighteenth amendment prohibited the manufacture, sale, transportation, importation, and exportation of intoxicating liquors, while the nineteenth, better known as the "Woman Suffrage Amendment," granted women the right to vote. Both the eighteenth and nineteenth amendments were adopted during the administration of President Wilson. Authorities have been led to term the Constitution a formidable apparatus for the prevention of sudden change.

Questions

To the Pupil:

1. What is the function of the Supreme Court?
2. How are federal judges selected and how long do they serve?
3. Name and give the jurisdiction of the inferior courts.
4. What federal court sits in your section of the state? What cases does it try?
5. Show what control Congress or the President has over the Supreme Court. Why?
6. Name the judges of the Supreme Court.
7. Explain the methods of amending our Constitution.
8. Summarize the amendments to the Constitution by groups.
9. What was the longest period of time the Constitution went without being amended? Give the amendments due to social reforms.
10. If any amendments are awaiting ratification of the states, discuss the need for such amendments.
11. Justify our present system of ratification by which the state with the largest population has no more power than the state with the smallest population.
12. Discuss the fact that when President Washington in 1793 sought an opinion of the Supreme Court on certain points regarding a treaty with France it declined to answer, holding that it could give decisions only when a case was brought before the court.
13. What are the reasons for the Supreme Court deciding "legal" controversies and refusing to consider "political" controversies?
14. Some people advocate a "recall" of judges. Give the dangers of such a move.
15. What would be the result if we elected our judges by popular vote?
16. The Judges of the Supreme Court wear black gowns while on the bench and are the only public officials who wear an official dress. Why are we so opposed

to official ceremony and dress? Why is it considered proper here?

Things to Do:

1. List for discussion and give reasons for any amendments you think should be added to the Constitution.
2. An amendment to the Constitution has several times been suggested in Congress providing that if the Supreme Court declared an act of Congress unconstitutional and the same act is again passed by Congress by a two-thirds vote, it shall become Constitutional. Prepare an argument for or against such action.
3. Appoint a committee to draw up a list of ten or more questions of interest regarding the Supreme Court and amending the Constitution. Post the list for members of the class. At a stated recitation place each question on a numbered slip of paper. Draw slips. Each member should be prepared as the number of his slip is called to give a three- or five-minute talk on the subject indicated, or he should be able to talk extemporaneously on any of the topics selected by chance.

CHAPTER EIGHT

THE UNWRITTEN CONSTITUTION

The Constitution, with the exception of a few amendments, has remained the same outwardly and withstood the test in this age of changing governments and conditions without destructive alteration.

This remarkable record is due largely to the foresight with which the Constitution was drafted, its brevity, the conservatism the document promoted among the people, and the use of general terms flexible in application. A single clause of little value in itself but far reaching in importance has given an opportunity to develop powers not mentioned or even anticipated when the Constitution was framed. Many regard this elastic clause as one of the most important if not the most important clause in the whole Constitution, because it has been largely the basis of the development of our unwritten Constitution when applied to different clauses in the Constitution to make them fit present conditions.

When it is possible to apply the words "necessary and proper for carrying into execution" to the limited powers set forth in the Constitution, the government can frequently act in ways that would not seem warranted by the strict interpretation of the document. John Marshall was called "the second maker of the Constitution." When he be-

came Chief Justice only two decisions on Constitutional law had been pronounced by the Court. During his thirty-four years of service fifty-one decisions were handed down. Bryce said, "His work of building up and working out the Constitution was accomplished not so much by the decisions he gave as by the judgment in which he expounded the principles of these decisions, judgments which for their philosophical breadth, the luminous exactness of their reasoning, and the fine political sense which pervades them, have never been surpassed and rarely equaled by the famous jurists of modern Europe, or of ancient Rome."

The general common sense and clarifying opinions of Marshall and his associates and successors have determined a policy that makes possible legislation to meet our changing needs without disturbing the original form of the Constitution.

In this manner the unwritten Constitution has become largely the basis for our government with the framework of limited powers in the background to safeguard the fundamental principles of our democracy.

Expansion by Court Interpretation.

The meaning of the Constitution rests on judicial interpretation and the construction of law, although the obvious way of changing it is by amendment.

Laws passed by Congress, by state legislatures, acts of executive officers, consolidated public opinion voiced in law, are all subject to challenge as to constitutionality, and a test case finds its way into the Supreme Court.

The burden of proof in a "case" must come from those who assert the existence of a right. It is necessary to show the court where the Constitution grants an asserted right, either in an expressed power or in an implied power.

If nothing directly or indirectly confers it, the law is null and void. Unless the proposition is raised in the trial of the cause and its presentation to the court, a court is loath to raise the point itself in the first instance. It is also the custom of the court to pass the Constitutional question if the case may be disposed of by the decision of other questions. When forced to do so, however, the Supreme Court decides whether an asserted right is in harmony or conflicts with the Constitution.

Two basic principles have been laid down for liberal interpretation:

1. "Every power alleged to be vested in the National government or any organ thereof must be affirmatively shown to have been granted."

2. "When once the grant of power by the people to the National government has been established that power will be construed broadly."

When it has once been shown after due search of the Constitution that there is definite authority to grant a power it may be applied in a liberal way. For instance, the Constitution states that Congress has the power to regulate commerce. Under an early decision the Supreme Court ruled that Commerce included traffic, trade, navigation, communication, the transit of persons and the transmission

of messages—indeed every species of commercial intercourse.

Guided by this ruling Congress passed the Interstate Commerce Law which has been frequently amended until it includes railway and steamship lines, express companies, telegraph, telephone and wireless transmission of messages, brought under control of the Interstate Commerce Commission which regulates rates and has the authority to regulate the business practices of those engaged in interstate commerce.

Congress has enacted other laws requiring safety devices on railroads, federal employers' liability, limiting the hours of continuous service for train crews, even creating a Railroad Labor Board to settle disputes with respect to wages of employees and working conditions.

This very clearly shows that when once power is granted the strictness of the initial step permits liberality in application.

Other nations are amazed at the ease with which public opinion is interpreted in the decisions of the Supreme Court. In 1803 public opinion sanctioned the purchase of Louisiana. President Jefferson felt uneasy about the constitutionality of his act when he negotiated and completed the purchase, although he acquiesced in Albert Gallatin's justification of it as an exercise of treaty-making power. Jefferson felt that every power should be specifically stated in the Constitution and desired an amendment to validate his act. Congress and the people as well

felt otherwise about it, and signified that approval of the legislatures were sufficient since Congress was authorized to "provide for the common defense and general welfare of the United States." Later this act rather than any specific provision in the Constitution served as a justification for our subsequent additions of territory.

In 1798 the people generally disapproved the Alien and Sedition Acts, and this disapproval has prevented any similar legislation.

We could enumerate other cases in which the importance of interpretation depends on what the majority regard as necessary to the general welfare of the people. On the courts then rests the responsibility of searching for the power that permits general public opinion to be voiced in the law.

Implied Powers.

We have seen that our government has frequently had to act in ways that do not seem warranted by a strict interpretation of the Constitution. In such cases the doctrine of implied powers has been used in justification.

In 1791 Alexander Hamilton urged his friends to charter a Bank of the United States to handle funds of the government. Congress had not been given the power to create a corporation; in fact the right to that particular power had been defeated in the Philadelphia Convention. Hamilton argued that the implied power was given under the "necessary and proper" clause. He maintained that "necessary" meant "suitable," thus starting a controversy which ended in the courts generally agreeing that the word

"necessary" be interpreted as meaning "convenient." After some debate and delay Washington signed the bill making that particular phrase the true basis for the growth of the doctrine of implied powers.

Out of this doctrine has grown a perfect maze of interpretations and decisions extending to practically every clause and amendment. Consulting an annotated edition of the Constitution, you will be surprised at what has befallen the simple language of the Constitution as it has gone through the process of application to our growing needs.

Financial legislation involving various modes of taxation, creating a system of custom houses, revenue cutters, and tariff for protection of our industries have been the outgrowth of implied powers. Interstate commerce regulations, regulation of railroad rates, power to control immigration expected by the "makers" to be unrestricted, the control of navigation, construction of public works, and many rights not enumerated are regarded today as absolutely essential to the common good and general welfare of our citizens.

Court decisions which narrow the limits of state jurisdiction tend to widen the authority of the Federal Constitution, and the whole process of government becomes more complicated as the courts which have the responsibility of "liberal interpretation" grant powers demanded by the trend of the times.

The Constitution is so elastic that there is almost no limit to the extension of the powers of the

Federal Government by means of judicial interpretation. The only thing necessary is to have sufficient justification and a national public opinion which favors extension. Congress to-day is given powers little dreamed of by the makers of the Constitution. The Department of Agriculture alone includes bureaus such as weather, animal husbandry, plant industry, chemistry, soils, crop estimates, and markets—justified by demands made by the people.

The wonderful progress made since the Constitutional Convention and the unforeseen changes met by the extension of implied powers leads us to wonder what changes will occur when extended into the future for an equal period of time.

Restraining the Power of Interpretation.

In discussing implied powers the conclusion might be drawn that there is no limitation on the extension or interpretation of the Constitution.

This is not true primarily because our federal courts according to policy are composed of judges appointed for their special fitness and conservative tendencies rather than their political affiliation. Federal judges are independent because they are appointed for life or good behavior, but subject to removal by impeachment, and are also bound by their respect for the power of public opinion.

Alexander Hamilton in the *Federalist* discussed the relative powers of the three departments of our government. "The Executive not only dispenses the honors," he said, "but holds the sword of the community. The Legislature not only commands the purse, but prescribes the rules by which the

duties and rights of every citizen are to be regulated. The Judiciary, on the contrary, has no influence over either the sword or the purse—and can take no active resolution whatever. It may truly be said to have neither force nor will but merely judgment. This simple view of the matter suggests several important consequences—it proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power, that it can never attack with success either of the others, and that all possible care is requisite to enable it to defend itself against their attacks."

It can easily be seen that the judiciary will not be able to dominate other departments of government and naturally depends on the will of the people for its moral support.

Back of the entire government is the power of public opinion. It operates constructively in the following manner. Private organizations carry on a certain line of work with the result that public opinion insists that it meets a state need. It is then taken over by a single state, afterward by other states until public opinion demands that the national government enact a law to assume the enterprise. A test case may be made and the Supreme Court, noting the trend of public opinion, searches for power to take over the enterprise and is usually successful if the facts in the case warrant it. The application of the Doctrine of Public Policy receives serious consideration in every case and is just as effective in restraining the court as in encouraging

broader interpretation. There is no doubt that in America public opinion will have a restraining influence and continue to hold the balance of power.

The whole scheme is much better in a democracy than a fixed constitution because its very elasticity enables the people to secure changes impossible under a more complicated system. Judge Cooley says in part: "We may think that we have the Constitution all before us; but for practical purposes the Constitution is that which the government, in its several departments, and the people in the performance of their duties as citizens recognize and respect as such."

Development by Custom.

The Constitution is very definite in delegating some powers. We may wonder how other seemingly important powers were entirely omitted. In some cases this was intentional because the Convention could not agree on certain propositions and thought it best to omit rather than specify some that might develop serious controversy.

There are some features of our government that are neither in the Constitution nor upon any statute but rest entirely on custom.

The presidential electors by custom vote as pledged by their political party rather than exercise the discretion granted by the Constitution.

The President is not reëlected more than once because of custom.

The Senate usually approves the cabinet officers appointed by the President regardless of its right to refuse confirmation.

Custom requires a member of Congress to be a resident of the district from which he is chosen although no federal enactment covers the case.

The right of a state to secede from the Union is no longer claimed.

The cabinet as a collective body is not mentioned in the Constitution nor by an Act of Congress. The written Constitution provides only that the President "may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." This gives no power to call a meeting to discuss matters of diplomacy. Now the cabinet meets on one day a week known as Cabinet Day. No minutes of the meetings are kept, and the President is not bound by a vote of his cabinet. It is an advisory group of the same political party as the President and bears an important part in government.

Custom permits National Party Conventions for the purpose of nominating candidates for the presidency. Woodrow Wilson, in discussing custom, said, "Custom never ceases to build up practices legal in character yet wholly outside formal Law, constricting even in its action on Congress and great parts of great Constitutions. It constantly maintains the great forces of precedent and opinion which daily work their will under every form of government upon both the contents and the administration of the law. Custom is Habit under another name; and Habit in its growth, while it

continually adjusts itself to the standard fixed in formal Law also slowly compels formal Law to conform to its abiding influences."

THE OATH OF ALLEGIANCE

The oath which the petitioner takes is:

"I HEREBY DECLARE ON OATH, THAT I ABSOLUTELY AND ENTIRELY RENOUNCE AND ABJURE ALL ALLEGIANCE AND FIDELITY TO ANY FOREIGN PRINCE, POTENTATE, STATE OR SOVEREIGNTY, AND PARTICULARLY TO (NAME OF SOVEREIGN OF COUNTRY), OF WHOM I HAVE HERETOFORE BEEN A SUBJECT; THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, AND THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME."

Questions

To the Pupil:

1. What do we mean by an unwritten constitution?
2. Repeat the part of the "elastic clause" and the preamble that largely gives the basis to the unwritten constitution.
3. Why is John Marshall called the "second maker of the Constitution"?
4. Give an instance of a law enacted for the general welfare of the people first by the states and later by the federal government.
5. Why is the Supreme Court called "the balance wheel of the Constitution"?
6. What are two basic principles for liberal interpretation of the Constitution?
7. Give an example of public opinion being interpreted in a decision of the court.

8. How does a Chief Justice such as John Marshall become so influential in decisions when he has no more voting power than the other justices?
9. What is the Doctrine of Implied Powers?
10. From Hamilton's discussion answer the propagandists who assert the Supreme Court has too much power.
11. What is the Doctrine of Public Policy?
12. Enumerate the customs that have become a part of our government.
13. Using Woodrow Wilson's summary on custom, give your opinion as to whether you believe we will be guided more and more by custom as our nation grows older.
14. What significance can be attached to the fact that the last few cabinet positions have been created by taking bureaus out of the Department of the Interior?
15. Be able to give a five-minute talk on John Marshall and the unwritten constitution.
16. What would have been the effect on our Constitution if the idea of an unwritten constitution had not been developed?
17. Why do not the state constitutions generally recognize this idea of an unwritten constitution?

CHAPTER NINE

UNITED STATES CITIZENSHIP

Citizenship Defined.

While the word "citizen" is frequently used in the Constitution, no definition of its meaning is given in the Constitution as originally adopted. In the Fourteenth Amendment, however, adopted in 1868, citizenship is defined as follows:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

A double citizenship is thus recognized:

(1) A United States citizenship, and
(2) A state citizenship.

One of the greatest defects of the government under the Articles of Confederation was, as we have seen (p. 63), that it operated upon states and not upon individuals. This defect was overcome by the creation of a United States citizenship whereby the Constitution operates directly upon individuals. The United States citizenship is superior to the state citizenship, and a citizen's loyalty is due first to the United States, and then to the particular state in which he resides.

How an Alien may Acquire Citizenship.

A subject of a foreign power residing in the United States is called an alien. The process by which an alien becomes a citizen of the United States is called "naturalization." Naturalization is limited to persons who:

(1) Can speak the English language,
(2) Are of good moral character,
(3) Believe in organized government,
(4) Are opposed to polygamy,
(5) Intend to reside permanently in the United States, and
(6) Come from a state which is at peace with the United States.
(7) Attached to the principles of the Constitution of the United States.

Process of Naturalization.

Naturalization is permitted to all peoples except certain of the yellow race and is accomplished as follows:

(1) *Declaration of Intention.* An alien wishing to become a citizen of the United States must first make a declaration under oath before a court of record of his intention to become a citizen, and to renounce all allegiance to any foreign power.

(2) *Petition for Naturalization.* Not less than two years after filing his declaration of intention, and after not less than five years continuous residence in the United States, he may file in any court of record, a petition for naturalization, proving by two witnesses who are citizens of the United States that he has been a resident of the United States for five consecutive years, and, during the year preceding

his petition, a resident of the state in which he makes application for admission. His children who are under twenty-one years of age also become citizens by his act.

Since 1922 his wife, like an unmarried alien woman, must take steps of naturalization the same as her husband.

The citizenship of a married woman is now independent of her husband's. If an American woman marries a foreigner and still lives in the United States, she retains her citizenship. An alien woman who marries an American and comes here to live must be naturalized before becoming a citizen, but the period of complete naturalization in her case is one year.

(3) *Admission.* If the court is satisfied with the truthfulness of the statements, the applicant may then become a citizen by:

(*a*) Renouncing all allegiance to any foreign power.
(*b*) Renouncing all foreign titles or orders of nobility, and
(*c*) Making oath to support the Constitution of the United States.

The United States citizenship thus created does not necessarily entitle the citizen to the right of suffrage. The privilege of voting is a gift of the state, and is conferred at the pleasure of the individual states. In some states aliens who have filed their declaration of intention are permitted to vote, while in others the privilege is granted

only to those who are actual citizens of the United States.

Validity of Naturalization in the United States.

The United States has always contended that any citizen of a foreign nation has the right to expatriate himself and become a citizen of the United States. The attitude of the United States on this question was set forth fully and explicitly in the Koszta case in 1853. In 1850 one Martin Koszta, a Hungarian by birth, came to America and declared his intention to become a citizen of the United States. After about two years' residence in the United States he went to Smyrna where the American diplomatic representative granted him a kind of guarantee of safe conduct. While in Asia Minor in 1853, he was arrested by the Austrian government on account of his complicity in a rebellion in his native land prior to his coming to America. His appeal to the United States government for protection on the ground that he had applied for naturalization papers as an American citizen and the activity of the United States resulted in his release through the efforts of President Pierce. His release was not accomplished, however, without strenuous protest on the part of Austria. The Secretary of State ruled that: "This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice."

Many foreigners in years past have become naturalized citizens of the United States in order to escape military and other service in their native

country, and after securing citizenship have returned to reside in their native land. A law of 1907 recognizes the principle of protection in allowing the Secretary of State at his discretion to issue passports limited to six months to persons who have declared their intention to become citizens of the United States. However, these are not good in states of prior allegiance. Expatriation of this kind is not approved by the United States, and naturalization is now permitted only to those persons who declare their intention to reside permanently in the United States.

Questions

To the Pupil:

1. Who are citizens of the United States?
2. Enumerate the requirements for obtaining citizenship.
3. From references find out how people lose their American citizenship.
4. Describe the entire process of naturalization.
5. Why was the law changed so that the wife of an alien eligible to naturalization must become naturalized in order to become a citizen?
6. Why is the exception made that an alien man who has served in the army or navy of the United States and an alien women who marries an American citizen can become naturalized in one year?
7. What are the reasons for requiring a literacy test before admitting aliens?
8. Under the Johnson Immigration Law, two per cent of the total number of any nationality living in the United States in 1890 are admitted. After July 1, 1927 the maximum number of immigrants admissible from the countries to which the law applies shall be 150,000, and

these shall be apportioned in accordance with the "national origin" principle, according to which newcomers are admitted in proportion to the total number of each stock to the entire white population. Discuss the justice of this law. Why was the date 1890 used instead of 1910?

9. Why were our laws on immigration made so restrictive during and after the World War?
10. In some states an alien is permitted to vote after taking out his first papers sometimes several years before he is entitled to receive a Certificate of Naturalization. Discuss the advisability of such practice.
11. The king of a foreign country maintained that as long as the people who emigrated to America used the mother tongue and taught their children the mother tongue—that he could depend on their loyalty to his country. What suggestions does this make for changes in our naturalization laws?
12. What is Americanization? Ascertain what is being done along this line in your own and other communities. What evidences indicate that some of our own citizens need this training?
13. Why do most of the immigrants who come to America now settle in the big cities? How does this complicate the problem of Americanization?
14. Show that it is a wise provision that a Certificate of Naturalization can be canceled within five years after a person leaves the United States and takes up permanent residence in a foreign country.

Things to Do:

1. Find out from some naturalized foreigner the reasons that brought him to America and the early impressions he had of our country and people; or if it can be done without embarrassment, secure the information from some alien who has lived here several years as to why he is not going through the process of naturalization

to become a citizen of the United States. Report the interview to the class.

2. Dramatize the naturalization of a foreigner. Use as a basis a booklet on "How to Obtain Citizenship Papers," by Thompson, issued by the National Security League of New York City.
3. Debate the following question:
   Resolved, That all aliens should be compelled to learn to read and write the English language, and be able to pass a test on the Declaration of Independence and the Constitution before being admitted to citizenship.
4. Prepare an argument to use in convincing an alien that he should become naturalized.
5. From outside sources determine when a naturalized citizen of the United States is not a citizen. How could this be remedied? Refer to *Atlantic Monthly,* January, 1925, "When Is a Citizen Not a Citizen?"

Books for class reports:

"The Promised Land," Mary Antin.
The story of a little Jewish immigrant girl.

"Our Foreign-born Citizens," Annie E. S. Beard.
Short sketches of the lives of thirty-four prominent naturalized Americans.

"Americans by Adoption," Joseph Husband.
Short biography of nine great naturalized Americans.

"The Making of an American," Jacob A. Riis.
Experiences of the author.

"The Soul of an Immigrant," Constantine M. Panunzio.
Story of an Italian boy in becoming an American citizen.

CHAPTER TEN

THE MAYFLOWER COMPACT WITH COMMENTS

The Compact.

While the *Mayflower* was anchored off Cape Cod in December, 1620, the Pilgrims met in its cabin and signed the following compact:

"In ye name of God Amen. We whose names are underwriten, the loyall subjects of our dread soveraigne Lord King James, by ye grace of God, of great Britaine, Franc, & Ireland king, defender of ye faith, &c haveing undertaken, for ye glorie of God and advancemente of ye christian faith and honour of our king and countrie, a voyage to plant ye first colonie in ye Northerne parts of Virginia. Doe by these presents solemnly mutualy in ye presence of God, and one of another, covenant, combine our selves togeather into a civill body politick, for our better ordering, preservation furtherance of ye ends aforesaid; and BY VERTUE HEAROF to enacte, constitute, and frame shuch just equall lawes, ordinances, Acts, constitutions, offices, from time to time, as shall be thought most meete convenient for ye generall good of ye Colonie; Unto which we promise all due submission and obedience. In witnes wherof we have hereunder subscribed our names at Cap-Codd ye 11 of November, in ye year of ye raigne of our soveraigne Lord King James of England, France, & Ireland ye eighteenth, and of Scotland ye fiftie fourth. Ano: Dom. 1620."

The Compact not a Constitution.

This compact is sometimes called the first written constitution with democratic government. Strictly speaking, however, it is not a constitution. A constitution creates a form of government, specifies the functions of government, and defines and limits the powers of government. In this sense the compact was not a constitution, nor did it create a constitution. It was simply an agreement of resolute, high-minded, God-fearing men, binding themselves to obey whatever constitutions and laws should thereafter be enacted by mutual consent. The spirit of the makers of the Compact was, undoubtedly, akin to that of the framers of the Constitution.

The people of Hartford, Windsor, and Wethersfield created and established a government by the adoption of "The Fundamental Orders of Connecticut" in 1639. This Connecticut Constitution, rather than the *Mayflower* Compact, should be considered the beginning of our Constitution. "It is on the banks of the Connecticut, under the mighty preaching of Thomas Hooker and in the constitution to which he gave life, if not form, that we draw the first breath of that atmosphere which is now so familiar to us. The birthplace of American democracy is Hartford."

CHAPTER ELEVEN

THE DECLARATION OF INDEPENDENCE

In Congress, July 4, 1776.

The Unanimous Declaration of the thirteen United States of America:

Preamble, or Introduction, Telling Why the Declaration Is Publicly Issued.

Statement of the Rights of Men, the Reasons for Establishing Governments, and the Circumstances Under Which Changes in Govern-

"WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands, which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.—We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed

for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.—

ment Are Justifiable.

He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.—He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.—He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.—He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the

Statement of the Unjust Acts of the King.

people.—He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.—He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.—He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.—He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.—He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.—He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.—He has affected to render the Military independent of and superior to the Civil power.—He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation!—For quartering large bodies of armed troops among us:—For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:—For cutting off our Trade with all parts of the world:—For imposing Taxes on us without our Consent:—For depriving us in many cases, of the benefits of Trial by Jury:—For transporting us beyond Seas to be tried for

pretended offences:—For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:—For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:—For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.—He has abdicated Government here, by declaring us out of his Protection and waging War against us.—He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.—He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty, perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.—He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.—He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.—In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a

Statement of the Remonstrances of the Colonists.

free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.—WE, THEREFORE, the REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions do, in the Name, and by authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

Conclusion—The Declaration of Colonial Independence.

Only a few of the signatures on the parchment copy [1] are now legible. Consequently they are given below:

John Hancock.
Samuel Chase.
W^m. Paca.
Tho^s Stone.
Charles Carroll of Carrollton.
George Wythe.
Richard Henry Lee.
Th Jefferson.
Benj^a Harrison.
Tho^s. Nelson jr.
Francis Lightfoot Lee.
Carter Braxton.
Rob^t Morris.
Benjamin Rush.
Benj^a Franklin.
John Morton.
Geo Clymer.
Ja^s Smith.
Geo. Taylor.
James Wilson.
Geo. Ross.
Caesar Rodney.
Geo Read
Tho M: Kean
W^m Floyd.
Phil. Livingston.
Arthur Middleton.
Button Gwinnett.
Fran^s. Lewis.
Lewis Morris.
Rich^d. Stockton.
Jn° Witherspoon.
Fra^s. Hopkinson.
John Hart.
Abra Clark.
Josiah Bartlett.

[1] "There are three texts of the Declaration which may be called official. One is the text in what is called the 'rough' *Journal;* a second is the text in the 'corrected' *Journal;* a third is the text on parchment, the one which was signed by the members of Congress. The most authoritative text, one would suppose, should be that in the corrected *Journal.* Apart from spelling, punctuation, and capitalization, this text is the same as that in the rough *Journal* except in two instances, in each of which a single word is omitted from the text in the corrected *Journal* which appears in the rough *Journal.* That these omissions were not intentional seems clear from the fact that they were not made in the final parchment copy. The above follows the parchment copy except the last paragraph which is changed in capitalization for emphasis."

Wm. Whipple.
Saml Adams.
John Adams
Robt Treat Paine.
Elbridge Gerry.
Step Hopkins.
William Ellery.
Roger Sherman.
Saml Huntington.
Wm Williams.
Oliver Wolcott.
Matthew Thornton.
Wm Hooper.
Joseph Hewes.
John Penn.
Edward Rutledge.
Thos. Heyward Junr.
Thomas Lynch Junr.
Lyman Hall.
Geo Walton.

CHAPTER TWELVE

THE CONSTITUTION OF THE UNITED STATES, [1] AND AMENDMENTS

"Not a dead, dull document, but the very substance of our freedom."

September 17, 1787

Preamble.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

The Preamble serves to introduce the purposes of the Constitution by first indicating its source (the people rather than the states); secondly, it insures national unity, peace at home and while traveling abroad, justice in courts, personal liberty, and provides for the welfare of all.

ARTICLE I

Legislative Powers.

SECTION I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section I of Article I vests all legislative powers in Congress. Note that Section I of Article II vests executive power in the President and that Section I

[1] The parts italicized and in brackets throughout the Constitution as printed here are obsolete or no longer operative.

of Article III vests judicial power in the Supreme Court.

House of Representatives.

SECTION II. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Since 1920 women vote the same as men. "Electors" means voters which now includes nearly all citizens over twenty-one years of age. The members of the House are called Congressmen.

Qualifications of Representatives.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

These qualifications give us stronger candidates, and allow even immigrants a chance to hold office after seven years of citizenship. Custom requires a person to be a resident of the district from which he is chosen.

Apportionment of Representatives.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers [*which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons*]. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; [*and, until such enumeration shall be made, the State of New*

Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three].

The clause embodying the "three-fifths rule" was rendered obsolete by Amendment XIV, Section 2. The temporary apportionment clause beginning "and until such enumeration is made—" expired in 1791. The first census was taken in 1790, and a federal census has been taken every ten years since that time.

Vacancies, How Filled.

When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

If a representative dies, resigns, or is removed from office, the Governor of his state may call a special election to choose a successor. This guarantees equal representation to all.

Officers.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The Speaker or "Chairman" of the House is chosen by the members every two years and has great power because he usually represents the party in control. In a case of impeachment the House makes the charges of misconduct in office, but the Senate acts as a jury and makes the decision.

Senate.

SECTION III. The Senate of the United States shall be composed of two Senators from each State, chosen [*by the Legislature thereof*], for six years; and each Senator shall have one vote.

This paragraph is superseded by Amendment XVII, which provides that Senators are elected by direct vote of the people.

Classification of Senators. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. [*The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year*], so that one-third may be chosen every second year; [*and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies*].

The term of a Senator is six years. This scheme makes the Senate a continuous body with one third retiring every two years.

Qualifications of Senators. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Qualifications for Senators are higher than those for representatives, as it was thought that older, more experienced and better prepared men should compose the Senate.

Vice President. The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Vice President presides over the Senate. He has practically no power, voting only in case of a tie.

Officers. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

If the Vice President should be absent for any reason, the Senate may then choose one of its own members as the presiding officer. The Senate, like the House, makes rules for conducting its business and records its proceedings.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Senate a Court for Trial of Impeachments.

An impeachment case is similar to a grand jury hearing. Only "civil officers of the United States" are subject to impeachment. Members of the House and Senate are not included because they try their own members. President Johnson was impeached in 1868, but the vote for conviction fell short of the necessary two-thirds. Judges Pickering in 1804, Humphries in 1862, and Archibald in 1912 were impeached and convicted. Remember that impeachment means accusation, not conviction.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Judgment in Case of Impeachment.

In the several cases of impeachment under our Constitution, officials found guilty were merely removed from office, sometimes disqualified from holding federal offices. Guilty parties are subject to further trial under Amendment V. The object

of impeachment is to protect us from acts of disloyal officials not to punish crime.

Elections of Senators and Representatives.

SECTION IV. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

A state sets the qualifications of age and residence, and some states require an educational qualification, usually the ability to read and write.

Congress has superseded the states by making regulations authorizing voting by written or printed ballots, requiring contiguous districts, and the time for the election of members of Congress as the first Tuesday after the first Monday in November of every second year. Congress also fixed the day for voting in all states for the electors of the President and Vice President as the first Tuesday after the first Monday in November.

Meeting of Congress.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Under this paragraph new members elected in November do not take their seats until December of the next year, more than a year after election.

Organization of Congress.

SECTION V. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

In either house, the quorum or number required to do business is a majority or more than half of the members. That would mean at least 49 Senators and 218 Representatives.

Rule of Proceedings.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member.

Either House has censored members and expelled some. In 1910 the Insurgent movement in the House resulted in many changes in the rules. Persons not members may be punished for contempt of the House or of a member.

Journal of Proceedings.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

The Congressional Record published daily while Congress is in session furnishes for the benefit of the public the proceedings and a record of the vote.

Adjournment of Congress.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Since 1800 Congress has met at Washington, D.C. Action of both Houses is required to make a legislative measure a law; consequently both should be in session at the same time and place.

Pay and Privileges of Members.

SECTION VI. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

This paragraph allows members to perform duties without interference and removes every restriction on debate except their own rules of order.

Other Offices Prohibited.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

This paragraph prevents members from increasing their own salaries and establishing offices for personal gain during their term. No person can hold a federal office and be a member of either House at the same time.

Revenue Bills.

SECTION VII. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

The plan is designed to permit the body nearest the people to control expenditure of money raised by taxation but practically without effect since the Senate can amend a revenue bill by substituting a new measure as an enacting clause.

How Bills Become Laws.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

If Congress adjourns during the ten days that a President is entitled to hold a bill for investigation, he has absolute veto power. He simply withholds his signature to nullify the bill. This is called a "pocket veto." President Cleveland vetoed 301 bills during his first administration. A President cannot veto single items. Many times undesirable provisions called "riders" are attached to bills and become laws. Nine bills have been signed after adjournment since 1789. Eight of these were signed in this way in 1920.

President's Power Over Legislation.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Represen-

tives, according to the rules and limitations prescribed in the case of a bill.

The veto gives the President more power over Congress, thereby giving him a better opportunity to state his objections and control his program of legislation. "Veto" is a Latin word, meaning *I forbid.*

Powers Vested in Congress.

SECTION VIII. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The Sixteenth Amendment should be added to this to make it cover Income Taxes. Congress is curtailed by Section 9 (5) from levying taxes on exports; by Section 9 (6) from discriminating in taxes at different ports of entry. Duties are customs taxes.

Excises are taxes on domestic production, sale, or use of articles, such as tobacco.

Imposts are customs taxes combining the idea of both duties and excises in one word.

Financial.

To borrow money on the credit of the United States.

This was the basis of Hamilton's plan of refunding the national debt in 1790. It gives Congress power to use the credit of the United States to issue paper money, charter national banks, establish a Federal Reserve System, and issue Treasury notes and bonds such as the Liberty or Victory Loans.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes. **Commerce.**

Congress has the power to control interstate commerce and communication; in fact every species of such commercial intercourse. States are forbidden to levy any import or export duties against other states. Various acts, such as the Sherman Act to control industry and the Transportation Act creating a Railroad Labor Board connected with Interstate commerce, have been passed under this clause. It is called the "commerce clause."

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States. **Naturalization and Bankruptcy.**

See Naturalization, page 138.

Under the Articles of Confederation provisions for bankruptcy were omitted. Consequently state insolvency laws were passed with varied requirements giving priority to local creditors. This clause took precedence over state laws, and an act of Congress made it operative.

If creditors having claims of $500 or more against any person, company, corporation, or bank, file a petition in the United States Courts showing the existence of debts amounting to $1000 or evidence of the assignment of property within four months showing preference for certain creditors or evidence that a preferred creditor obtained preference by legal proceedings, the court as a result of the request may declare involuntary bankruptcy.

On the other hand if any person, except a corporation, makes voluntary assignment of his property in a United States District Court for the benefit of his creditors, and of his own accord admits in writing that his debts exceed his property, he is adjudged a voluntary bankrupt. However, a person cannot take advantage of the voluntary bankruptcy law more than once in six years.

It is apparent that the law operates to the advantage of both creditors and debtors. If no fraud appears in the hearing, a bankrupt is released to go in business again free from further legal obligations to pay the debts involved except those owed to the municipality, credits secured through fraudulent pretense, alimony, and a few other exceptions.

Coins, Weights and Measures.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Congress controls the coining of all money and the printing of paper money. Paper money is really an order on the Treasury for its face value in gold or silver deposited there. Standard weights and measures are kept at Washington, but duplicates are kept at state capitols. Uniform standards safeguard the public from fraud in buying and selling.

Counterfeiting.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

Making coins, paper money, or stamps in imitation of those of the United States is called "counterfeiting." Regardless of the conditions under which

such imitations are made, the violator is subject to severe punishment by the federal courts.

To establish post-offices and post-roads. **Post-Offices.**

The service granted by this clause benefits every citizen. Rural Free Delivery, Air Mail Service, and the Federal Highway Act show that our government is not slow to utilize every facility to give its citizens service. It can use injunction and other legal means to prevent interference with transportation of the mails. It also has the power to punish for misuse of the mails.

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries. **Inventions, Copyrights, and Trade Marks.**

This clause protects authors and inventors not only here, but by international agreement extends to other countries as well. A copyright lasts twenty-eight years and can be renewed for twenty-eight more. Books, films, maps, cartoons, etc., are protected by copyrights. Holders of patents have the exclusive right of manufacture for seventeen years but cannot control sales or prices.

To constitute tribunals inferior to the Supreme Court. **Courts.**

See Inferior Courts, page 119.

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. **Piracies.**

Congress is given power to define and punish crimes committed by its citizens at sea and in viola-

tion of International Law. Requiring protection for our citizens creates responsibility for their acts against other nations.

Piracy is robbery committed on the high seas; felony is a crime punishable either by death or by imprisonment in the State prison.

War. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Under this clause Congress declared war in 1812, 1846, 1898, and 1917. It is now generally recognized that the President can take action leading to a state of war, but Congress has the final decision.

Letters of marque are commissions to owners of private ships to make war on ships of the enemy.

Army. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

In times of peace the standing army is necessarily small in a democracy. The two years' clause permits the people to control the expenditure and determine the size of the standing army.

Volunteer armies have been sufficient except in Draft Army law of 1863 and the selective service draft of 1917.

During the World War this clause was used as a basis when our nation took over the management of railroads, the control of food and fuel, the output of factories, the classifying of essential and non-essential industries, and the establishing of war prohibition.

To provide and maintain a navy. **Navy.**

The limit of navy growth is now controlled by the 5-5-3 [1] agreement. In the last few years the Naval Air Service has made an enviable record.

To make rules for the government and regulation of the land and naval forces. **Regulations of Army and Navy.**

The National Defense Act of 1916 practically makes a national guard of the state militia. The organization is now so planned that the ranks can be filled by conscription and the militia reorganized as was done in 1917. The new organization scheme built around experienced men will facilitate the training of an army.

In accordance with the provisions of the National Defense Act amended in 1924 the government designated September 13, the birthday of General Pershing, as National Defense Day. On this day a

[1] The Washington, D.C., Conference was called in 1921 at the suggestion of the United States to limit the naval armament of the leading nations of the world. Secretary of State Hughes in addressing the Conference suggested that the United States and Great Britain each be limited to battleships aggregating 500,000 tons and Japan to 300,000 tons or a 5-5-3 ratio. As a result of the controversy a covenant was drawn whereby Naval Armament was limited to the ultimate battle fleets of the five signatory powers as follows:

United States and Great Britain 525,000 tons each, Japan 315,000 tons, and France and Italy 175,000 tons each. An agreement was also made on the scrapping of certain ships of each nation on the basis of this ratio. No battleship may exceed 35,000 tons nor carry guns of a caliber exceeding sixteen inches. No limitation was placed on submarines or auxiliary craft. This agreement was thought to be a step toward world peace.

mobilization of the entire military strength and resources of the United States was requested by the War Department.

Calling Militia.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Militiamen may not be called to duty by the President more than nine months out of any twelve. The militia was first called in the Civil War and has been called in every war since.

Training Militia.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The militia of a state is made up of men between the ages of eighteen and forty-five. In most states they receive compensation for drill services and spend some time in a training camp each year. The state appoints the officers, but when serving under the United States, Congress has charge of its organization.

Seat of Government.

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dry-docks, and other needful buildings.

The District of Columbia was located in 1791, and Washington, D.C., situated therein became

the capital in 1800. Congress makes the laws and has complete control over the district. The residents have no vote and elect no representative to Congress nor other city or district officers. Indian reservations, arsenals, federal parks, etc., fall within the meaning of this clause, and crimes committed in such places are punished in federal courts.

Elastic Clause.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Anticipating the changing conditions due to inventions, progress, and improved conditions of living, this clause has saved many changes in the Constitution. It gives Congress a large measure of control over other departments of government. Congress under this clause is limited to supplementing the enumerated powers given under the Constitution.

Limitations on Congress.

SECTION IX. (1.) [*The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*]

Refers to slave trade (now obsolete).

Habeas Corpus.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

A writ of Habeas Corpus permits a speedy trial

and is suspended during war in order to better protect our interests. See page 52.

Attainder. No bill of attainder or ex post facto law shall be passed.

A "bill of attainder" is a legislative act usually resulting without trial in pronouncing a death penalty against an accused person or group of persons, and depriving of all civil rights and power to inherit or transmit property. This was a precaution against the revival of abuses formerly common in England.

This ex post facto clause provides against the enactment of a law making a certain act a crime after it has been committed; also against increasing the penalty for such an act.

Direct Taxes. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

This clause gives the power to levy income taxes. Two income tax acts based on this clause have been declared unconstitutional, because it was not practicable to levy an income tax according to population. This paragraph refers to "poll tax" or "head tax" which has never been levied by the United States. Amendment XVI makes it possible to levy an income tax "without regard to census or enumeration."

Regulations Regarding Customs Duties. No tax or duty shall be laid on articles exported from any State.

Exports are goods sent out of the state for commercial purposes. The principle of not taxing exports was adopted to encourage trade abroad.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another. **Interstate Commerce.**

This section gives each state an equal chance and strengthens the idea of "united states."

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. **Appropriations.**

It is the express duty of the comptroller of the Treasury to see that this paragraph is enforced. The budget system has systematized government expenditures and resulted in saving many millions of dollars.

No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state. **Titles of Nobility Prohibited.**

Their prejudice against autocracy led our forefathers to take this precaution to *insure democracy*.

SECTION X. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility. **Limitations on States.**

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the

net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

This section is intended to state definitely what states cannot do, and doubly emphasizes the powers given and denied Congress, particularly in regard to foreign relations, war, currency, and national commerce. Also see page 98.

ARTICLE II

Executive Department

SECTION I. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

A President is elected every four years and inaugurated the following March 4. There is a general feeling that this date should be changed. The number of terms a President may serve is not mentioned in the Constitution. The common feeling that a tenure of two terms is long enough grew from a statement by President Washington, when he refused to consider a third term.

Electors.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may

be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

The "Electoral College" was originally planned to give each elector a free choice for President, but now all vote as they are pledged when nominated at their party conventions. The vote is taken by states. It is possible that a President may be selected even though he does not get the majority of the total popular votes cast. Several Presidents have been elected in this manner. See page 107.

Proceedings of Electors. —Proceedings of the House of Representatives.

[*The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum, for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.*]

Superseded by Amendment XII.

Time of Choosing Electors.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Electors are chosen on Tuesday following the first Monday of November every fourth year. Electors usually meet at each state capitol and cast their votes on the second Monday of the following January, and Congress meets at one P.M. of the second Wednesday in February, to receive the vote.

Qualifications of the President.

No person except a natural-born citizen, [*or a citizen of the United States at the time of the adoption of this Constitution*], shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

There is nothing in the Constitution to prevent a woman, or a negro, or a person of any religious belief from becoming a President if he has the necessary qualifications and gets the necessary votes.

Presidential Succession.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

In six cases under the Constitution a Vice President has become President, at the death of Presidents Harrison, Taylor, Lincoln, Garfield, McKinley,

and Harding. What constitutes disability has never been fully decided. Also see page 113.

Compensation.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

The President's salary is $75,000 a year, with $25,000 for travel, and $117,000 for White House upkeep and clerk hire. He pays income tax as other citizens. If the President's salary is increased, the incumbent cannot benefit by the increase.

Oath of Office.

Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

The above oath is administered by the Chief Justice of the Supreme Court at high noon on March 4 following the election. Woodrow Wilson took the oath on Sunday, March 4, 1917. The word "affirm" is inserted because people of certain religious beliefs will not take an oath.

Powers of President.

SECTION II. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.

In war time authority must be centralized. The President also commissions all army officers and directs the war in a general way. A reprieve suspends a sentence; a pardon remits a penalty. The term "heads of departments" refers to the ten department heads or cabinet members selected by the President to counsel with him. See page 109.

Treaties.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

"A treaty is the supreme law of the land," and the conditions are such that a President can dominate. Washington tried unsuccessfully to counsel with the Senate; consequently the Senate later created a Committee on Foreign Relations as a medium to keep the President informed. Once a treaty is made it requires both branches of Congress to abrogate it. The President appoints a few personal agents outside of those he nominates and commissions. President Harding appointed two Senators as delegates to the Washington Conference in which nine nations drafted treaties for the reduction of armaments and others respecting the promotion of peace.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session. **Vacancies.**

When a vacancy occurs while Congress is not in session, the President names an appointee temporarily. If the Senate at its next session does not approve the appointment, it must terminate.

SECTION III. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. **Calling, Adjourning, and Advising Congress.**

President Wilson revived the Washington-Adams idea of appearing in person and reading his message before Congress. President Coolidge delivered the first message that was broadcast by radio. Frequent extra sessions have been called, but Congress has never been adjourned by the President.

SECTION IV. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. **Removal of Civil Officers.**

This section makes special provision for the trial and removal of any of the civil officers of the United States.

ARTICLE III

Judicial Department.

SECTION I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

See page 117.

To What Cases it Extends.

SECTION II. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

The states must submit to the decisions of the United States courts in all cases where the Constitution, federal laws, or treaties are involved. "Cases of admiralty and maritime jurisdiction" not only apply to the high seas "but navigable waters of the United States" as well. The word "citizens" in this section includes corporations, since a corporation is regarded as a citizen of the state which charters it.

Jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Note that Amendment VII further restricts the Supreme Court.

Rules Respecting Trials.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Compare with Amendment VI.

Treason Defined.

SECTION III. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

This is the only crime defined in the Constitution. In the trial of Aaron Burr the evidence was "irrelevant until there be proof of the overt act by two witnesses." Hence he was permitted to escape punishment.

How Punished.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

Clause one grants the power to punish treason, but clause two protects the innocent children of the guilty against the once common practice of visiting on the children the penalties of those found guilty. The word "attainder" in this case means conviction.

ARTICLE IV

Rights of States.

SECTION I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEAL OF THE UNITED STATES

This section means that if a document is recorded, a marriage legally performed, a divorce legally granted, or a case is decided in one state, it should generally speaking be recognized in all.

Rights of Citizens.

SECTION II. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Protects rights of citizens of each state in all states.

Extradition.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

This section provides for the return of accused persons who try to evade the law by fleeing to another state. This is called "extradition," and the power of delivery is in the hands of the Governor in the state where the criminal seeks refuge.

Fugitive Slaves.

[*No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.*]

Now obsolete. See Amendment XIII.

New States.

SECTION III. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

New states are admitted on a basis of equality with the consent of both the Federal Government and the citizens of an organized territory. States are guaranteed protection from without and assistance if necessary to settle troubles within.

Power of Congress Over Public Lands.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Congress has power to acquire territory, set up territorial governments, and lease lands or mines. Whether that power comes from this paragraph or is acquired in its capacity as a sovereign is not fully determined.

Republican Government Guaranteed.

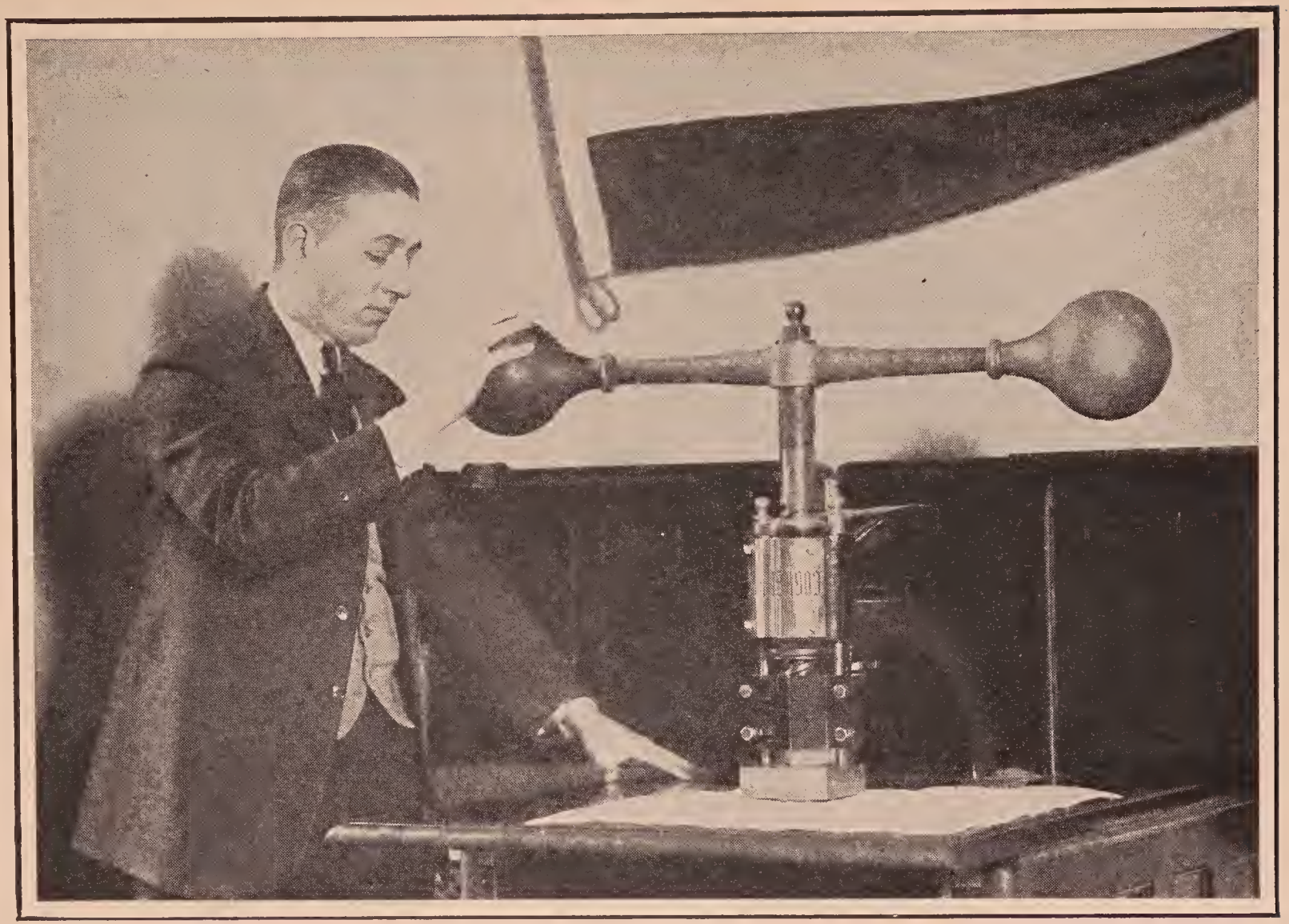
SECTION IV. The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

By a declaration made by President Tyler concerning rebellion in Rhode Island in 1842, it was established that Congress could overthrow a separate republican government established within a state. Under the last clause the President is authorized to employ military forces of the United States or militia of the states to discharge the duties of the United States. During the railway strike in 1894, President Cleveland sent troops to Chicago against the protest of the Governor of Illinois.

ARTICLE V

Amendment of the Constitution.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-



THE MACHINE WHICH STAMPS THE GREAT SEAL OF THE UNITED STATES

fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided [*that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and*] that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Of the two methods only the first has ever been used; *i.e.*, proposed by Congress and referred to the state legislatures. Neither the President nor the courts have any voice in the matter; in fact the fourteenth and fifteenth amendments were passed by Congress and submitted to the states without the President's official knowledge and approval. The first exception expired in 1808. The second is the only part of the Constitution that cannot be amended without unanimous consent.

ARTICLE VI

Validity of Debts.

[*All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.*]

Under Hamilton's plan of refunding the debt our government took the honorable course of carrying out the promises made and obligations assumed under the Articles of Confederation.

Supreme Law of the Land.

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

This clause asserts that the authority of the Federal Government is supreme over the states, and that state laws in conflict with National laws must give way.

Oath to Constitution.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

State officers are often required to discharge duties authorized by the national Constitution, and taking the oath also emphasizes their obligation to the national government.

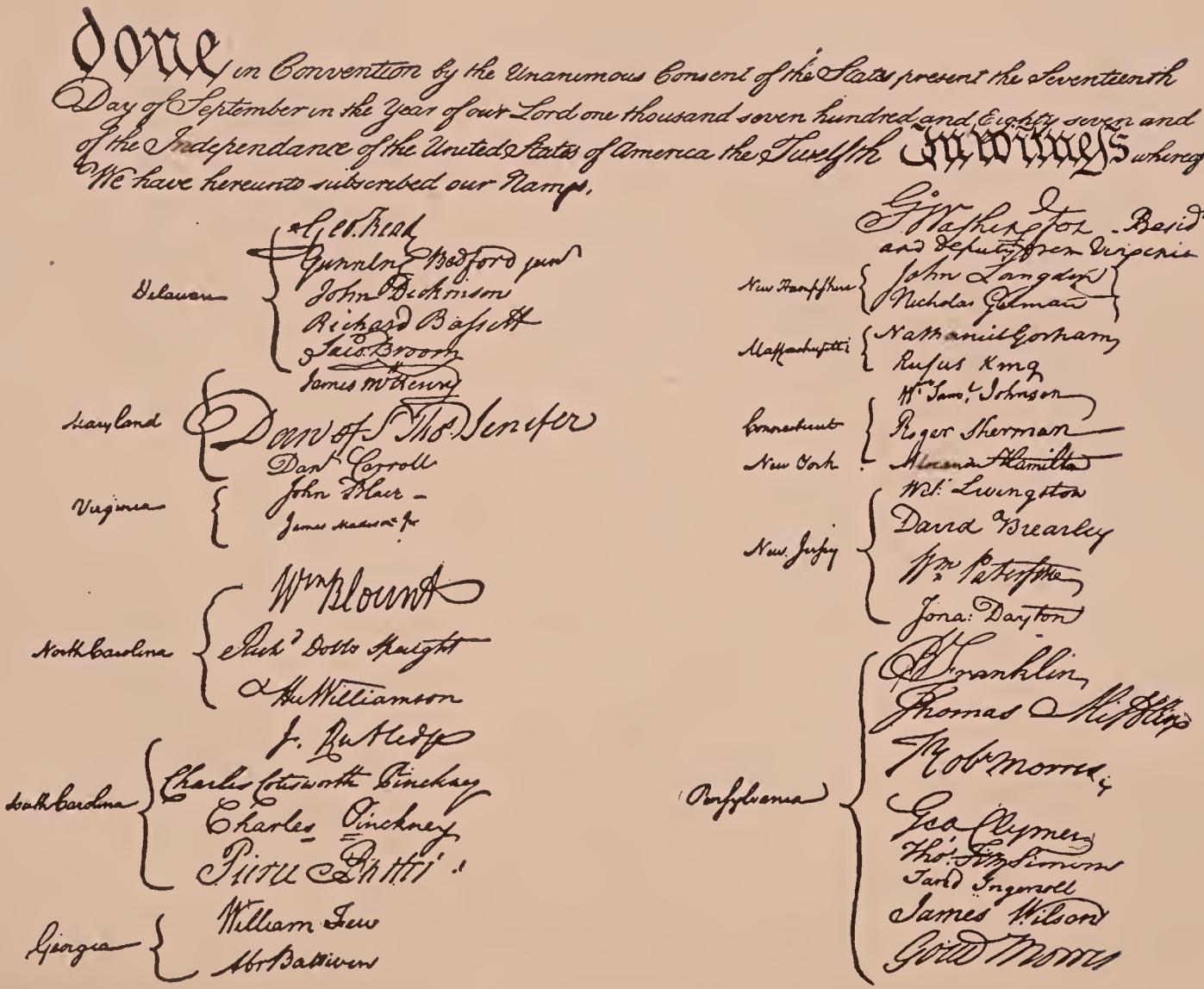
The "religious test" means that a person elected to office shall not be required to repudiate a recognized religion. The word "affirmation" was inserted for the special benefit of the Quakers.

ARTICLE VII

Ratification of the Constitution.

The Ratification of the Conventions of nine states,[1] shall be sufficient for the Establishment of this Constitution between the states so ratifying the same.

[1] Note that unlike the Articles of Confederation it required only nine states to ratify.


Done in Convention by the Unanimous Consent of the States present the seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth IN WITNESS whereof We have hereunto subscribed our Names.

Go. Washington Presidt and Deputy from Virginia

Delaware: Geo. Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco. Broom

Maryland: James M'Henry, Dan. of St Thos. Jenifer, Dan. Carroll

Virginia: John Blair, James Madison Jr.

North Carolina: Wm. Blount, Richd. Dobbs Spaight, Hu. Williamson

South Carolina: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

Georgia: William Few, Abr. Baldwin

New Hampshire: John Langdon, Nicholas Gilman

Massachusetts: Nathaniel Gorham, Rufus King

Connecticut: Wm. Saml. Johnson, Roger Sherman

New York: Alexander Hamilton

New Jersey: Wil. Livingston, David Brearley, Wm. Paterson, Jona. Dayton

Pennsylvania: B. Franklin, Thomas Mifflin, Robt. Morris, Geo. Clymer, Thos. FitzSimons, Jared Ingersoll, James Wilson, Gouv. Morris

SIGNATURES OF MEMBERS OF THE CONVENTION.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURE OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

The first ten amendments were proposed by Congress at their first session, in 1789, and ratified by the states in 1791. This constitutes the "Bill of Rights" of the National Constitution.

AMENDMENT I

Personal Freedom.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

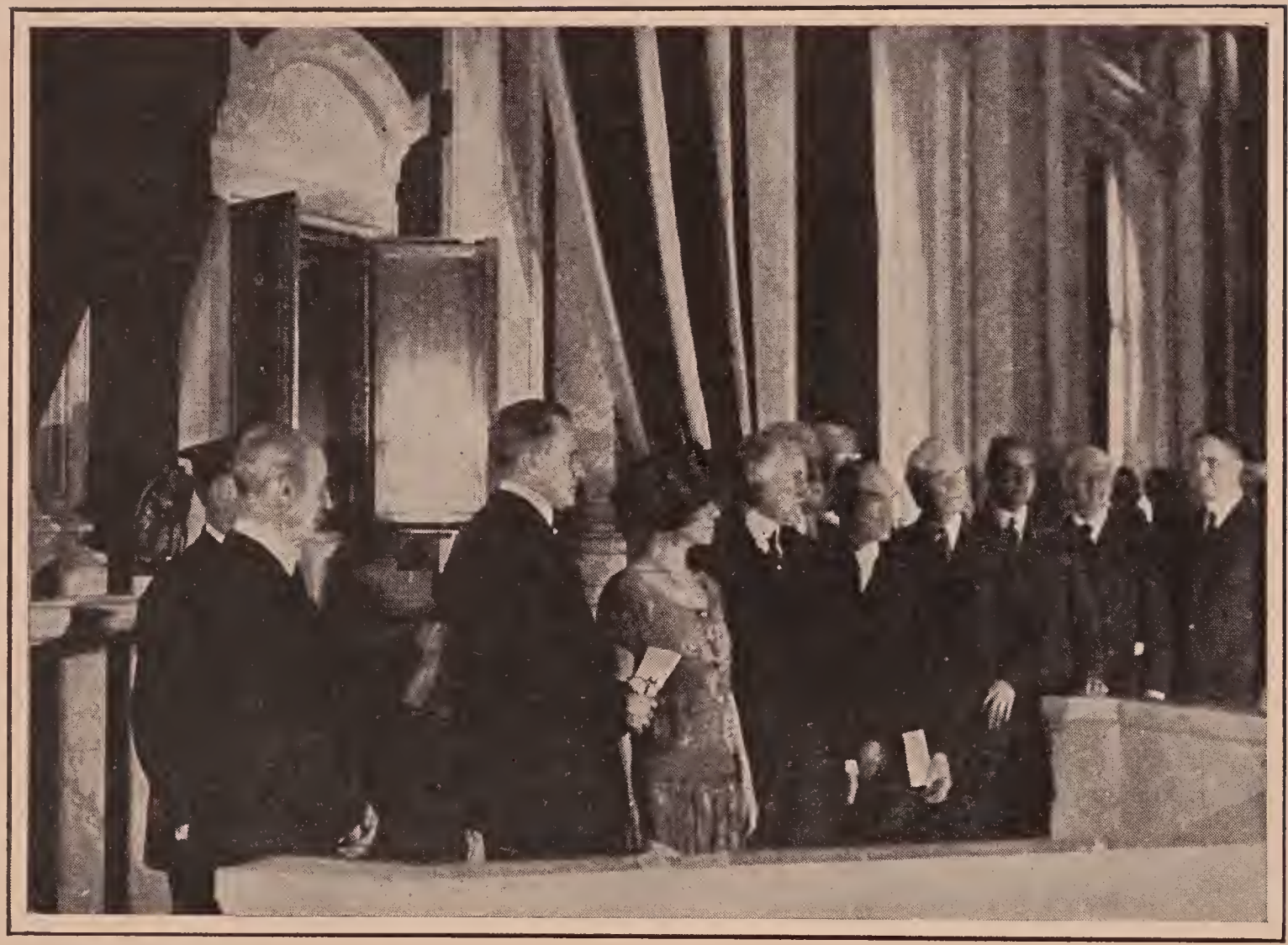
Freedom of belief and speech are a natural outgrowth of the period of settlement. An established religion is one supported wholly or in part by public taxation. By refusing use of the mails the government can further control propaganda and all types of publications detrimental to public interests.

AMENDMENT II

Right to Bear Arms.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

People can bear arms openly but not concealed unless authorized.



PRESIDENT AND MRS. COOLIDGE WITNESS THE ENSHRINING OF THE CONSTITUTION AND THE DECLARATION OF INDEPENDENCE

AMENDMENT III

Quartering of Soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

One of the causes of the Revolutionary War.

AMENDMENT IV

Right of Search.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"A man's home is his castle."

Without a warrant property cannot be searched nor may papers secured without a warrant be used in evidence against a person.

AMENDMENT V

Protection of Accused.

No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

The Grand Jury is a legally chosen group to secretly investigate the crime and decide whether

there is sufficient evidence for a public trial before a petit jury. A person cannot be tried twice for the same crime nor be compelled to testify against himself. According to judicial practice a wife cannot be compelled to testify against her husband. The usual method of taking private property with just compensation for public use is termed "eminent domain."

AMENDMENT VI

Rights of Accused

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

As stated this section reviews a criminal's rights.

AMENDMENT VII

Jury Trial in Lawsuits.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

This section restricts the power of the court in reviewing questions of fact upon appeal from cases tried by a jury. The Judge can order a new trial or review the law on a writ of error, but cannot substitute his opinion for the facts in the case.

AMENDMENT VIII

Bail and Punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

One of the theories of our government is that a person is innocent until he is proved guilty. Giving "bail" is a guarantee that the person will appear for trial as a Judge instructs, and releases the accused from jail until the trial or hearing. If the charge is a serious one, bail may be refused. Cruel punishments are prohibited.

AMENDMENT IX

Rights Enumerated.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

It is obvious that the intelligence of the people could be trusted to retain the fundamental unwritten rights we enjoy without enumerating them.

AMENDMENT X

Powers not Delegated.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This Amendment was designed to make state and local rights even more secure.

AMENDMENT XI

State Exemption from Suit.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

This amendment limits the powers of the Federal Courts by preventing the government from being a party in lawsuits not only "by citizens of another state" but even by a citizen in his own state.

In 1793, Chisholm, a citizen of South Carolina, sued in the Supreme Court to recover a debt from the state of Georgia. Georgia refused to appear and the case went against her. Several similar suits were pending and the people generally disliked the idea of states being involved in the courts. Congress by almost unanimous vote submitted the above Amendment which was ratified in 1798.

Most states have therefore established a Court of Claims in which a claim against the state can be presented. When the claim is declared valid, it is customary for the state to make the necessary appropriation. If the state refuses to pay, it cannot be forced to do so.

AMENDMENT XII

New Method of Electing President and Vice President.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for

President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

This article, declared in force December 25, 1804, supersedes part of Article II, Section 1, Clause 3. Before the adoption of this amendment the electors voted for two candidates for President. The candidate receiving the most votes was made President and the one receiving the next highest number was made Vice President. Under this plan there could be a Republican President and a Democratic Vice President. The contest in 1800 between Jefferson and Burr when the members of the Electoral College voted by parties for the first time and the election was thrown into the House, resulted in the

adoption of this amendment. President Adams was elected by the House in 1825 and Vice President Johnson by the Senate in 1837. In 1876 a dispute arose and the controversy was referred to an Electoral Commission. The disputed votes were not counted until two days after March 4, 1877, when the new President was to be inaugurated. Also see pages 106-108.

AMENDMENT XIII

Abolition of Slavery.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Enforcement Clause.

Congress shall have power to enforce this article by appropriate legislation.

Adopted in 1865. Designed to give the negro freedom and thereby abolishing slavery.

AMENDMENT XIV

Citizens and Their Rights.

I. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.

II. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Repre-

sentatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Loss of Political Privilege.

III. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Public Debt.

IV. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, [*or any claim for the loss or emancipation of any slave*]; but all such debts, obligations, and claims shall be held illegal and void.

Enforcement Clause.

V. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Section I made the negro a citizen but applies to persons of foreign birth also. Sections II, III, and IV are for the most part historical. The qualifications of voters have been left largely to the states. Some states compel certain educational requirements for voters, but the power given Congress especially under Section II has never been exercised.

AMENDMENT XV

Negro Suffrage. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Enforcement Clause. The Congress shall have power to enforce the provisions of this article by appropriate legislation.

This is the last of the group of amendments giving the negro equal rights. He was freed by the thirteenth (1865), made a citizen by the fourteenth (1868), and in the fifteenth (1869) given the right to vote. Some states require literacy tests, or tests other than "race, color, or previous condition of servitude" as a qualification for voting.

AMENDMENT XVI

Income Tax. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

It is generally conceded that taxing incomes is the only way to reach real property values. In 1895 the Supreme Court declared an Income Tax Law unconstitutional in accordance with Article I, Section 9 (4), because it was apportioned according to wealth rather than census. For that reason the last clause is specific. More recently the Supreme Court has ruled that an income tax is a tax on the use of property and therefore a type of excise tax. Income taxes must be uniform; *i.e.*, the same on incomes of the same size, but this does not prohibit higher rates on larger incomes.

AMENDMENT XVII

Popular Election of Senators.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

Filling Vacancies.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies, provided that the Legislature of any State may empower the Executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

Effect on Incumbents.

[*This amendment shall not be construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.*]

This Amendment supersedes Article I, Section 3 (1), covering the election of Senators by direct vote of the people. This was thought necessary in order to avoid the possibilities of fraud that might attend selection through state legislatures and to hold Senators directly responsible to the people.

AMENDMENT XVIII

Prohibition.

[*After one year from the ratification of this article*], the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Enforcement.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Ratification Limitation.

[*This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.*]

Although the time limit was set as one year, the Food Production Act passed by Congress as a war measure forbade the manufacture and sale of intoxicating liquors after July 1, 1919, so it became a law fully six months before the one year had elapsed. By a strict enforcement act ruled as constitutional one half of one per cent alcoholic content in any beverage classifies it as intoxicating. No doubt the enforcement of this amendment has injected a new note in the Constitution. Undoubtedly concurrent power as here used refers to joining forces of State and Federal Government in the enforcement, but just how far this can be carried out remains for the Supreme Court to decide.

AMENDMENT XIX

Woman Suffrage.

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

Enforcement Clause.

Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

This amendment is popularly known as the "Woman Suffrage Amendment." Only the question of sex is involved in it. This does not remove from the states the power to determine the qualifications of its voters, but forbids the states to make any distinction on account of sex.

CHAPTER THIRTEEN

FULL HONORS TO OUR FLAG

Realizing the need for an authentic code of flag etiquette, representatives of sixty-eight patriotic organizations met in Washington, D.C., at the request of the American Legion. The code drafted by that conference is printed here through courtesy of the *American Legion Weekly*. While the rules adopted by the conference have no official government sanction, nevertheless they represent the authoritative opinion of the principal patriotic bodies of the United States and of Army and Navy experts, and are binding on all of the organizations which took part in the gathering. They are being followed now by 113 patriotic organizations. The rules as given below are from the final corrected draft of the code as brought out of the conference.

Description of the Flag.

The Flag of the United States of America has thirteen horizontal stripes—seven red and six white, the red and white stripes alternating—and a union which consists of white stars of five points on a blue field placed in the upper quarter next the staff and extending to the lower edge of the fourth red stripe from the top. The number of stars is the same as

the number of states in the Union. The canton or union now contains forty-eight stars arranged in six horizontal and eight vertical rows, each star with one point upward. On the admission of a state into the Union a star will be added to the union of the Flag, and such addition will take effect on the July fourth next succeeding such admission.

The proportions of the Flag as prescribed by Executive Order of President Taft, October 29, 1912, are as follows:

Hoist (width) of flag	1.
Fly (length) of flag	1.9
Hoist (width) of union	7/13
Fly (length) of union	0.76
Width of each stripe	1/13
Diameter of each star	.0616

There are certain fundamental rules of heraldry which, if understood generally, would indicate the proper method of displaying the flag. The matter becomes a very simple one if it is kept in mind that the National Flag represents the living country and is itself considered as a living thing. The union of the flag is the honor point; the right arm is the sword arm, and therefore the point of danger and hence the place of honor.

Code of the Flag.

1. The Flag should be displayed only from sunrise to sunset, or between such hours as may be designated by proper authority. It should be hoisted briskly but should be lowered slowly and

ceremoniously. The Flag should be displayed on all national and state holidays and on historic and special occasions.

2. When carried in a procession with another flag or flags, the Flag of the United States of America should be either on the marching right—*i.e.*, the Flag's own right—or, when there is a line of other flags, the Flag of the United States of America may be in front of the center of that line.

3. When displayed with another flag against a wall from crossed staffs, the Flag of the United States of America should be on the right—the Flag's own right—and its staff should be in front of the staff of the other flag.

4. When a number of flags of states or cities or pennants of societies are grouped and displayed from staffs with the Flag of the United States of America, the latter should be at the center or at the highest point of the group.

5. When flags of states or cities or pennants of societies are flown on the same halyard with the Flag of the United States of America, the latter should always be at the peak. When flown from adjacent staffs the Flag of the United States of America should be hoisted first and lowered last. No such flag or pennant, flown in the former position, should be placed above, or, in the latter position, to the right of the Flag of the United States of America; *i.e.*, to the observer's left.

6. When flags of two or more nations are displayed, they should be flown from separate staffs

of the same height and the flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

7. When the Flag is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of building, the union of the Flag should go clear to the peak of the staff unless the Flag is at half staff. When the Flag is suspended over a sidewalk from a rope, extending from a house to a pole at the edge of the sidewalk, the Flag should be hoisted out from the building toward the pole, union first.

8. When the Flag is displayed in a manner other than by being flown from a staff it should be displayed flat, whether indoors or out. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the Flag's own right; *i.e.*, to the observer's left. When displayed in a window it should be displayed the same way—with the union or blue field to the left of the observer in the street. When festoons, rosettes, or drapings are desired, bunting of blue, white, and red should be used, but never the Flag.

9. When displayed over the middle of the street, the Flag should be suspended vertically with the union to the north in an east and west street, or to the east in a north and south street.

10. When used on a speaker's platform, the Flag, if displayed flat, should be displayed above and behind the speaker. If flown from a staff, it should

be in the position of honor, at the speaker's right. It should never be used to cover the speaker's desk or to drape over the front of the platform.

11. When used in connection with the unveiling of a statue or monument, the Flag should form a distinctive feature during the ceremony, but the Flag itself should never be used as the covering for the statue.

12. When flown at half-staff, the Flag should be hoisted to the peak for an instant and then lowered to the half-staff position; but before lowering the Flag for the day it should be raised again to the peak. By half-staff is meant hauling down the flag to one half the distance between the top and the bottom of the staff. If local conditions require, divergence from this position is permissible. On Memorial Day, May 30, the Flag is displayed at half-staff from sunrise until noon and at full staff from noon until sunset, for the nation lives, and the Flag is the symbol of the living nation.

13. Flags flown from fixed staffs are placed at half-staff to indicate mourning. When the Flag is displayed on a small staff, as when carried in a parade, mourning is indicated by attaching two streamers of black crêpe to the spearhead, allowing the streamers to fall naturally. Crêpe is used on the flagstaff only by order of the President.

14. When used to cover a casket, the Flag should be placed so that the union is at the head and over the left shoulder. The Flag should not be lowered

into the grave or allowed to touch the ground. The casket should be carried foot first.

15. When the Flag is displayed in the body of the church it should be from a staff placed in the position of honor—at the congregation's right as they face the clergyman. The service flag, the state flag, or other flag should be at the left of the congregation. If in the chancel or on the platform, the Flag of the United States of America should be placed at the clergyman's right as he faces the congregation, and the other flags at his left.

16. When the Flag is in such a condition that it is no longer a fitting emblem for display, it should not be cast aside or used in any way that might be viewed as disrespectful to the national colors, but should be destroyed as a whole, privately, preferably by burning or by some other method in harmony with the reverence and respect we owe to the emblem representing our country.

CAUTIONS

1. Do not permit disrespect to be shown to the Flag of the United States of America.

2. Do not dip the Flag of the United States of America to any person or any thing. The regimental colors, state flag, organization or institutional flag will render this honor.

3. Do not display the Flag with the union down except as a signal of distress.

4. Do not place any other flag or pennant above

or, if on the same level, to the right of the Flag of the United States of America.

5. Do not let the Flag touch the ground or the floor or trail in the water.

6. Do not place any object or emblem of any kind on or above the Flag of the United States of America.

7. Do not use the Flag as drapery in any form whatsoever. Use bunting of blue, white, and red.

8. Do not fasten the Flag in such manner as will permit it to be easily torn.

9. Do not drape the Flag over the hood, top, sides or back of a vehicle, or of a railway train or boat. When the Flag is displayed on a motor car, the staff should be affixed firmly to the chassis, or clamped to the radiator cap.

10. Do not display the Flag on a float in a parade except from the staff.

11. Do not use the Flag as a covering for a ceiling.

12. Do not carry the Flag flat or horizontally, but always aloft and free.

13. Do not use the Flag as a portion of a costume or of an athletic uniform. Do not embroider it on cushions or handkerchiefs, or print it on paper napkins or boxes.

14. Do not put lettering of any kind on the Flag.

15. Do not use the Flag in any form of advertising or fasten an advertising sign to a pole from which the Flag is flown.

16. Do not display, use, or store the Flag in such

a manner as will permit it to be easily soiled or damaged.

PROPER USE OF BUNTING

Bunting of blue, white, and red should be used for covering a speaker's desk, draping over the front of a platform and for decoration in general. Bunting should be arranged with the blue above, the white in the middle, and the red below.

Salute to the Flag.

During the ceremony of hoisting or lowering the Flag or when the Flag is passing in a parade or in a review, all persons present should face the Flag, stand at attention, and salute. Those present in uniform should render the right hand salute. When not in uniform, men should remove the headdress with the right hand and hold it at the left shoulder, the hand being over the heart. Women should salute by placing the right hand over the heart. The salute to the Flag in a moving column is rendered at the moment the Flag passes.

Pledge to the Flag.

In pledging allegiance to the Flag of the United States of America, the approved practice in schools, which is suitable also for civilian adults, is as follows:

Standing with the right hand over the heart, all repeat together the following pledge:

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it

stands; one nation indivisible, with liberty and justice for all."

At the words "to the Flag" the right hand is extended, palm upward, toward the Flag, and this position is held until the end, when the hand, after the words "justice for all," drops to the side.

However, civilian adults will always show full respect to the Flag when the pledge is being given by merely standing at attention, men removing the headdress. Persons in uniform should render the right hand salute.

Salute to National Anthem.

When the national anthem is played and the Flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the Flag is displayed, the regular "salute to the Flag" should be given.

"The Star Spangled Banner" is recommended for universal recognition as the national anthem.

The Shield.

The shield of the United States of America has thirteen vertical stripes—seven white and six red—with a blue chief without stars.

Federal Flag Laws.

There is but one Federal statute which protects the Flag throughout the country from desecration. This law provides that a trademark cannot be registered which consists of or comprises, among other

things, "the Flag, coat of arms, or other insignia of the United States or any simulation thereof" (33 Stat. L., p. 725, February 20, 1905). Congress has also enacted legislation providing certain penalties for the desecration, mutilation, or improper use of the Flag in the District of Columbia (39 Stat. L., p. 900, February 8, 1917).

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